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History of England

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both have been already related: but when, pursuant to Will. III.
of the articles, it came to be offered, jointly, by the 1700.
ministers

opinions, taken up from the slight complaints, and the affliction of his kingdoms and subjects, and the impressions that seem to disturb the general tranquility which we now enjoy: when, on the other hand, it is not to be believed, from the righteous and pious mind of his majesty, that he lives so unmindful of his obligation, and values so little the love and security of his vassals, if God (by his secret and sovereign judgments) would chastise us, by taking away his life (which, we hope, he will not suffer) without granting him the benefit of a succession, his affairs will not be left, without a due reflection on what is most just, and most important for the public tranquility; and so, that no body shall be able to find fault with his justice, nor his foresight. For which reasons, his majesty has ordered his aforesaid ministers to make instances, and use their diligence to cut off those negociations; weighing the ill effects which they now produce; and, what their continuance may produce. And, that the complaint of his majesty, and the orders he gives to his ministers abroad, to notify to the princes, at whose courts they reside, he, at the same time, made public, he has lately ordered, that it be made known to the ministers here. For this purpose does Antonio de Ubilla communicate it to don Alexander Stanhope, by order of his master, that he may also give notice to his Britannic majesty, assisting, with his prudent representations, this just and honest purpose; that so the universal quiet may be maintained; and that he may quit the scandal of this negociation, which, it is feared, will be an unhappy motive of kindling a voracious flame of a new war: which, being once lighted, will be difficult to be extinguished, either by the greatest force, or the most dextrous and most powerful mediation; and he remains obedient to don Alexander Stanhope, with all affection.

The earl of Manchester, to the earl of Jersey.

Paris, Sept. 30, 1699.

The Spanish ambassador is endeavouring to get a private audience of the king. The first matter he is to represent, is in relation to some transactions at Loo. The declaration of his king makes also great discourse here. The state of affairs at St. Germains continues much the same it was. They are still pleasing themselves with hopes the nation will recall him at last; though the greatest prospect they have from no new, is the death of the king of Spain; which might again renew the war.

Will. III. 1700. ministers of England, France, and Holland, to the re[illegible] the powers of Europe, the reception it met with was no[illegible]

The earl of Manchester, to Mr. Yard.

Paris, Oct. 7, 1699.

They write from Loo, That the Spanish ambassador has delivered to all the lords justices a memorial relating to the succession of the crown of Spain, which his majesty resents very much.

Mr. Yard, to the earl of Manchester.

Whitehall, Oct. 28, 1699.

I believe the king's directions will be signified to the Spanish ambassador to-morrow, to leave the kingdom. Indeed, the paper he gave about, was very insolent, and appealing to the parliament; so that the king could do no less. Mr. Stanhope is recalled at the same time.

Remonstrance presented, in French, by the marquis de Canales, ambassador from the king of Spain, to the lords justices.

In the first place, the king, his master, having been certainly informed, that his majesty, king William, the Hollanders, and other powers (in pursuance of what they treated and stipulated, last year, at Loo) are now actually framing new treaties about the succession of the crown of Spain, and (what is most detestable) contriving its division and repartition: His majesty orders his extraordinary ambassador, residing in this kingdom, to make known to the lords justices of England, the resentment which these unheard-of proceedings create in his majesty, especially during the life of a monarch, who is of so fit an age to expect (for many years) an heir, so much desired by all nations, that without a detestable avarice, no one would suffer himself to be carried away with the ambition of usurping the dominions of others.

That, if this were not contrary to the law of nature, no nation or government would be safe against the machinations of the strongest and most malicious; whereas, reason, and not force, sets bounds to nations.

That, if it were lawful for foreigners to concern themselves about the succession of kings and sovereigns, there would be no statutes or municipal laws to be observed; nor would any laws be free from the outrages of others, more especially those of the crown of England.

That, if watches were set upon the indispositions of sovereigns, no health would be constant, no life secure, while both depend on the hand of the Almighty, who is the arbiter of life, death, and empires.

That the impression, which one kingdom makes up[illegible] other, to tem[illegible] [illegible]ance of the subjects, and ex[illegible] their minds to insurrection, [illegible] an offence

most favourable. The greateſt part returned general and Will. III.
very anſwers. The Italian ſtates were unwilling to ſee 1700.
the

offence, and breach of the good faith which ought to be obſerved among Chriſtians, and more particularly among allies and friends.

That it ought not to be preſumed, of any prince or nation; and leſs of the king of the Spaniſh nation, that they are ſo negligent, as not to take proper meaſures upon future and unexpected accidents (if this ſhould happen) to ſecure the public peace, and the repoſe of Europe, which has been the aim of the king and nation for ſo many ages, as it is now, and always will be.

That, if there is not a ſpeedy end put to theſe proceedings and projects, there will doubtleſs break out a direful and univerſal war over all Europe, difficult to be ſtopped when it is deſired, and ſo much the more prejudicial to the Engliſh, as they have but juſt felt the effects of innovations, and of the late war. This matter is ſo worthy of conſideration, that it is not doubted but it will be thought fit by the parliament, the nobility, and the whole Engliſh nation, which has never been wanting in prudence and foreſight.

That the ſame nation muſt conſider their own particular intereſts, and their commerce and correſpondence with the Spaniſh king and nation, the alteration, diſſolution, or partition of which would be very detrimental to them; and till this may be prevented by deſiſting from the project in hand, and by not promoting innovations, deſtructive at all times to empires and kingdoms.

That the ambaſſador extraordinary of Spain will manifeſt to the parliament, in the next ſeſſions; the juſt reſentment which he now expreſſes, in the ſame manner as his maſter has cauſed it to be ſhewn to all the public miniſters of the kings, princes, and ſtates, that reſide at the court of Madrid.

The tranſlation of the paper ſent to the Spaniſh ambaſſador, and which was written in French by Mr. ſecretary Vernon, and dated, the 30th of September, 1699.

His Majeſty having ſeen the paper, which the ſecretary of the ambaſſy of Spain has lately delivered, by order of your excellency, to the lords juſtices of the kingdom; his majeſty thinks the contents ſo inſolent and ſeditious, that in reſentment of ſo extraordinary a proceeding, and which can by no means be juſtified by the law of nations, he orders, that you go out of his dominions preciſely in eighteen days, to be counted from this notification; and that you keep in your houſe till your departure. I am alſo ordered to let you know, that theſe are the orders of his majeſty, that no writing be any more received from you nor any of your domeſtics.

Will. III. 1700. the French in poſſeſſion of Naples, and the States De Pre- ſidi. Thoſe of Germany were, from motives of fear, in-

Mr. Stanhope to the earl of Mancheſter.

Madrid, Nov. 5, 1699.

By the incloſed copy of the complaint I have made here againſt the marquis de Canales's proceedings, your excellency will judge I have ſeen his inſolent and ſeditious paper. They readily received mine, which I much doubted they would not; and it was ſent within an hour hither from the Eſcurial to the council of ſtate. This was the day before yeſterday in the morning, and they have been in cloſe conſults ever ſince. I have advices from ſeveral hands, and ſome from perſons of the firſt rank, that the reſolution will probably be moderate; and that they will diſown their ambaſſador, ſo far at leaſt as to the brutality of his expreſſions, and it may be as to the ſubſtance, now they find the world generally cry out againſt the folly, as well as inſolence of it; though I am ſatisfied he had orders to do the thing, but not in that manner. This makes me willing to give them time to bethink themſelves before they run on headlong into miſchiefs, againſt which they are ſo ill provided, and it is a latitude my orders allow me. Beſides that if I can prevent a breach, and procure his majeſty humble ſatisfaction, I ſhall believe I do both him and my country good ſervice.

The Engliſh tranſlation of Mr. Stanhope's paper to Don Antonio de Ubilla, delivered at the Eſcurial, the 3d of November, 1699, N. S.

Don Alexander Stanhope, envoy extraordinary of the king of Great Britain, kiſſes the hands of Don Antonio de Ubilla, and ſays, that he has orders from the king his maſter, immediately to paſs to the royal knowledge of his Catholic majeſty the juſt motive of complaint given him by a paper, which the ſecretary of the marquis de Canales, by order of his maſter, delivered to the lords juſtices of England in London, of which the adjoined is a true copy, and from whoſe contents, beſides the rude and provoking language, it is manifeſt the deſign of it was to ſtir up ſedition in his kingdoms, by appealing to the parliament and people of England againſt his majeſty; which is to own them ſuperiors to his royal perſon, than which nothing can be more abſurd and contrary to the conſtitution of the government of the kingdom of England; and is what the ſaid marquis de Canales, ambaſſador from his Catholic majeſty, neither ought nor could be ignorant of, after ſo many years reſidence in it. Notwithſtanding which the paper is full of contumelious terms to his majeſty's perſon, making uſe of ſeveral artifices, of inſinuations and threats, [illegible] to breed a miſunder[illegible]ing and dif-

unwilling to diſoblige the houſe of Auſtria. Brandenburgh expected the title of king from the authority and good offices Will. III. 1700.

diſſention betwixt his majeſty and his ſubjects; an attempt, which no ſovereign prince can ſuffer in his dominions: and therefore the king of Great Britain, his maſter, found himſelf neceſſitated to ſtop, as ſoon as poſſible, a miſchief, which by the induſtry of the marquis went on ſpreading itſelf daily, by ordering he ſhould be required to go out of his kingdoms; and finally, the ſaid paper, being both in words and ſubſtance, affrontive to the majeſty and ſacredneſs of kings, the king of Great Britain, his maſter, does not believe it poſſible, that the marquis writ or publiſhed it by the orders of his Catholic majeſty, but on the contrary perſuades himſelf, that this his reſentment will be much to his royal ſatisfaction, as made for the common cauſe of all kings; and that Don Alexander Stanhope will hope, that Don Antonio de Ubilla paſs all this to the royal knowledge of his Catholic majeſty, whom God preſerve, remaining Don Antonio's moſt humble and affectionate ſervant.

Madrid, the 2d of November, 1699, N. S.

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N. S.

y laſt, I had ſeveral en his to be gone; whereupon at midnight I diſpatched to the Eſcurial my agent, with the paper, of which the incloſed is a copy. The ſecretary of the Diſpacho Univerſal, Don Antonio de Ubilla, would not receive, but was willing to hear the contents by word of mouth, and that was as much as I deſired. Two days after, the conductor, or maſter of the ceremonies, came to order me, in the king his maſter's name, to be gone out of the Spaniſh dominions within eighteen days, and not to ſtir out of my houſe till I ſhould begin my journey. Your excellency has the anſwer I gave my conductor in the ſame ſheet with the former. I have every day ſince ſolicited my paſſports, being ready to be gone whenever they give them me; and am told the reaſon of the delay is to know by next poſt, whether any paſſports, and in what form they were given to the marquis de Canales in London, that they may exactly imitate the ſame with me.

The tranſlation of Mr. Stanhope's paper to Don Antonio de Ubilla, expreſſing the king his maſter's orders to return home, and deſiring his Catholic majeſty's paſſports.

Don Alexander Stanhope, envoy extraordinary from the king of Great Britain, kiſſes the hands of Don Antonio de Ubilla, and ſays, that having already repreſented to his Catholic majeſty, whom God preſerve, the motives,

Will. III. offices of the Imperial court. Saxony and the northern crowns
1700. were taken up with their own quarrels; which the peace of Traventhal

tives, that neceſſitated the king, his maſter, to ſend the declaration, he lately did, to the marquis de Canales; and Don Alexander Stanhope having no other orders but to return to his majeſty's royal preſence, as ſoon as poſſible, he communicates this to Don Antonio de Ubilla, that he may pleaſe to put it into the royal knowledge of his Catholic majeſty, whom he beſeeches at the ſame time, with all humble ſubmiſſion, to order ſuch paſſports to be given him, as will be neceſſary for ſuch a voyage; and Don Alexander Stanhope remains Don Antonio de Ubilla's moſt humble and affectionate ſervant.

Madrid, Nov. 6. 1699.

Mr. Stanhope's anſwer to the conductor of ambaſſadors, when he came with a meſſage from the king to order him to leave the Spaniſh dominions in eighteen days, and not ſtir out of his houſe, till he ſhould begin his journey.

You will pleaſe to tell his Catholic majeſty from me, that I will punctually comply in all that you have intimated to me by his royal order, becauſe in ſo doing I ſhall obey the orders of the king my maſter, as his Catholic majeſty cannot but have been informed by Don Antonio de Ubilla, to whom I communicated it two days ago by my ſecretary at the Eſcurial, deſiring at the ſame time paſſports neceſſary for my voyage; that I am glad to ſee their two majeſties minds ſo unanimous, and deſire they may continue the ſame in all other matters.

The ſubſtance of the earl of Mancheſter's audience of the French king at Verſailles, on Sunday, Nov. 15, 1699.

SIR,

The king my maſter having found, that Monſieur de Tallard was, by his inſtructions, obliged to quit Holland before he ſigned the treaty, which was projected with your majeſty, relating to the ſucceſſion of Spain; his majeſty has ordered me to deſire this private audience, to aſſure you, Sir, that the king continues in the ſame ſentiments he was always of in regard to that treaty. Your majeſty knows very well the good offices employed by the king my maſter, to make the Imperialiſts enter into it. He has alſo done all he could to make the States like it. His majeſty continues to act as he did. As to what concerns the king's ſigning it, he cauſed the earl of Jerſey to come into Holland expreſsly for this end; and I doubt not, but the count of Tallard will have told your majeſty, how often the king my maſter has offered to ſign it, to ſhew, that he was ready to do all that depended on him. Your majeſty will give me leave to be a little long, in telling how this affair has paſſed, that ſo your majeſty may have it

Travendal had by no means accommodated. Some thought Will. III.
the duke of Savoy under engagements at Vienna; but it ſeems 1700.
moſt

it perfectly cleared up, that there is no alteration in the intention of the king my maſter. The buſineſs was propoſed to the States of the province of Holland, as to thoſe who were the moſt intereſted in it; for it was not apprehended, that any obſtacles ſhould be met with elſewhere, if the conſent of that province was had. That was alſo the beſt way to make the ſecret of this affair leſs apt to be divulged.

Sir, If it has been repreſented to you, that the king my maſter might have made uſe of the credit he has with the States, to cauſe this treaty to be concluded; I will own, that the king has a great deal of credit in that country. But this credit does always conform itſelf to the manners and cuſtoms of the country; and, tho' the States had found no objection, the buſineſs could not have been ended without the conſent of every city, which could not be had in leſs time than a month or three weeks, as the penſionary and the earl of Portland have given count Tallard to underſtand. But, whilſt his orders did not give him leave to wait for the conclusion of the affair, the king my maſter hopes, that your majeſty will renew the orders to Monſieur de Tallard, or will ſend orders to Monſieur de Bonrepos, to endeavour to remove all obſtacles, that ſo the project of the treaty may have its effect.

The French king's anſwer.

I own I was a little ſurprized, that the affair was not finiſhed at the expiration of the time, and before the king your maſter did ſet out for England. I am ſatisfied with the aſſurances, which you now give me from him, that he continues ſtill in the ſame intention; and I hope he will ſtill continue to contribute all he can with the States. As for me, I am ſtill of the ſame mind, and I act with the ſame ſincerity. I will ſoon ſend monſieur de Tallard with the neceſſary inſtructions.

When I ſaid, "That the "reaſon the States of Holland "were not ſooner acquainted "with it, was, that it could "not be propoſed to them, till "it was known, whether the "Imperialiſts would come in or "no;" the king ſaid, "They "have had time enough given "them, and even too much." As to count Tallard's having orders to come away, the king took no notice of it, nor that he had been informed of every ſtep. Upon my ſaying, "Monſieur "Tallard has been informed of "all that has been done in this "affair, and has even ſeen all "the letters, which Mr. Hop "wrote to the penſionary; and, "it being firſt propoſed to the "province of Holland, it ſeem-"ed that he was ſatisfied in "theſe points," I took occaſion to ſee, if monſieur de Bonrepos

Will. III. 1700. moſt probable, that he reſolved to defer making terms for himſelf, till the treaty took place; and was not without hopes,

repos had any orders, ſaying, "That the king my maſter is "deſirous that your majeſty "ſhould be informed by mon- "ſieur Tallard, or monſieur "de Bonrepos, of all that paſ- "ſes; and even the States will "always have a great regard "for all that comes from your "majeſty." The king anſwered, "In this affair I confi- "ded only in monſieur de Tal- "lard; and I know very well, "that the king your maſter has "more credit than I in Hol- "land on this occaſion." When I ſaid, "That the king had re- "commended it to the care of "the penſionary, and that we "hoped, that the difficulties "were ſuch as might be ſur- "mounted." The king anſwered, "That he hoped ſo "too; and that he imagined, "that ſomebody would come "from the States into England; "and that the treaty would be "ſigned there." The king ſaid alſo, "As you know, I have it "under the hand of the king "your maſter, as he has it un- "der mine." Then I ſaid, "I "have alſo, Sir, particular or- "ders to tell your majeſty from "the king, that as he had "acted on this occaſion with "an open heart, and with all "poſſible ſincerity; ſo he will "continue to act on all other "occaſions that may be able to "contribute to the ſtrengthen- "ing the friendſhip and good "correſpondence with your ma- "jeſty." The king anſwered, "You may aſſure the king your "maſter, that I will do the "ſame."

Mr. Prior ſet out on the ſaid 15th of November 1699, with this account of the audience, for London.

The earl of Mancheſter, to the earl of Jerſey.

Paris, Nov. 21, 1699.

The ſame day Mr. Prior left this place, I went to Verſailles, and had my audiencies, where paſſed what is uſual on ſuch occaſions. The king expreſſed himſelf in very obliging terms, mentioning the great deſire he had to continue the good correſpondence, that was now ſo well eſtabliſhed; and that he did again repeat to me what he had formerly aſſured me of, &c. I made monſieur de Torcy a viſit, where I took occaſion to diſcourſe of what had paſſed in my private audience. I knew he expected it, and was alſo willing to find out his ſenſe of the matter. He ſaid, That the king had acquainted him with it: That I had fully explained the whole proceeding to his majeſty: That monſieur de Tallard was to ſet out on Monday next. He did ſtill ſeem to inſiſt on the great credit our king had with the States, and laughing, ſaid, he wondered I ſhould queſtion it. I told him, I did own the States had always ſhewn a great regard to every thing that was propoſed by his majeſty: That the aſſurances I had given this

hopes, that, upon the emperor's refuſal, he ſhould be nomi- Will. III.
nated the next. The Swiſs cantons, being applied to, de- 1700.
clined

this king, were, that he had recommended it, and would continue to do it; ſo that nothing would be wanting on his part. That though there were great hope of a good concluſion, yet, till it was agreed to by the States, it was more than could be ſaid, that they would certainly do it. On the whole, I find the court impatient till it is done, by ſaying, No time was to be loſt: That the king of Spain's life was very uncertain: That, by the laſt account they had, he was ill again. I waited on monſieur de Tallard this morning, and his diſcourſe was much the ſame. He gave me to underſtand, that, though monſieur de Bonrepos would ſeem to be concerned in this affair, he was not: That he hoped to find all things ready at his return into England, which would be on Saturday next: That he had all the duty imaginable for the king: That his intentions were and always would be, to endeavour to continue a good underſtanding between our maſters. To which I replied, as was proper on ſuch an occaſion, "I hope "monſieur de Tallard will be ſo "juſt, as to give the ſame "turn in England he does "here."

The earl of Mancheſter to the lord chancellor Sommers.

Paris, Dec. 8, 1699.

As to the affairs paſſed in Holland this ſummer, I cannot ſee why the States ſhould make any difficulty, ſince the year before they did agree to a propoſal of that nature; and the ſame reaſon does ſtill continue, unleſs they were deſirous to ſee firſt the ſucceſs of their tariff there, which was yeſterday ſettled and exchanged.

The houſe of Auſtria will never agree to any thing till it is too late. Beſides, they think our intereſts is ſo much concerned, that we ſhall at all times procure them ſome conditions; and, on the other ſide, the fear they have of diſobliging Spain makes them ſo very cautious, as not to come into any propoſal whatever. I muſt confeſs, I am impatient to ſee the concluſion of this matter. For, in caſe it has not the effect we always propoſed, I ſhall be ſorry it has gone ſo far: and I know this court will be much diſſatisfied with us, and may be with ſome reaſon. All I have acted in it has ſucceeded as was deſired.

The earl of Mancheſter to the earl of Jerſey.

Paris, Dec. 23, 1699.

I was this day with monſieur de Torcy. — He took notice, that the affair of Spain was ſtill depending, and not agreed to, which might be a great prejudice to this king, ſince they had now a good opportunity of turning matters to their advantange, the queen of Spain being diſſatisfied with the court of Vienna. He did not mention the

Will. III. 1700. clined giving their guaranty. In ſhort, of all the princes to whom it was communicated, not one appears to have come into it, but the king of Portugal.

The

the occaſion, but I fancy it is ſomething in relation to the counteſs of Berlips. All I ſaid was, that I was aſſured, that the king my maſter would contribute all he could to bring that matter to a good concluſion. He anſwered, that the king was fully ſatisfied of it.

Count Zinzendorf had an audience of the king this day, having juſt received a courier with the news, that the queen of the Romans was brought to bed of a daughter. The king told him, as he ſays, in a very obliging manner, that he had given orders to monſieur de Villars to take his audience of the Archduke in the manner the emperor ſhould think fit. So that at preſent this court ſeems deſirous to oblige the emperor as much as they can.

The earl of Mancheſter to the earl of Jerſey.

Paris, Dec. 31, 1699.

I never ſee monſieur de Torcy, but he ſpeaks to me of the great affair. On Tueſday laſt I was there; I found him appearing a little more concerned: he ſaid, that matters were ſtill under ſuch uncertainties, that they could not tell what to depend on: That he did not find that this affair was any way advanced: That the king of Spain had been indiſpoſed again ſince his return to Madrid, and might die of a ſudden, which probably would produce a new war in Europe, in caſe thoſe meaſures, that were propoſed, were not firſt agreed to. I could give him no other anſwer, than that I believed he was ſatisfied nothing would be wanting on the king my maſter's part; and that I believed monſieur de Tallard was acquainted with what paſſed. He ſaid he believed not; for that he had aſked an audience of the king, but could not have it, by reaſon the king was to go to Hampton-Court; and that at that time there arrived three poſts from Holland. I told him, that I did not doubt but monſieur de Tallard had told him how eaſy of acceſs the king was: that I had ſeen him ſpeak to the king about buſineſs, even without ſo much as aſking an audience, or acquainting the ſecretary of State with it. I ſaid, as for myſelf, that I thought if monſieur de Tallard had not left Holland ſo ſoon, it might have facilitated this affair. To which monſieur de Torcy anſwered, that they had nothing to do with the States, having only treated with the king of England: That monſieur de Bonrepos was come to Paris, ſo that they had no ambaſſador there, ſeeming to inſiſt very much on this point, that it was not in the leaſt their buſineſs: That ſeveral months were paſſed ſince the time they had reaſon to believe this matter would have been finiſhed, &c. I cannot tell but he expected ſome

light

The two princes more immediately concerned in its opera- Will. III.
tion, viz. the emperor, and king of Spain, loudly declared 1700.
againſt

State of the court of Vienna.

ſight from me, or it may be monſieur de Tallard is uneaſy, and has made them ſo. I found by monſieur de Tallard, the night before he went from hence, that he thought by Chriſtmas this matter would certainly be ended. He ſaid, in caſe it had a good concluſion, he ſhould be very glad to ſtay in England; if not, he hoped he ſhould be recalled, and ſome other ſhould be ſent. It may be, that this court was of the ſame opinion; and that, finding the contrary, it makes them doubtful of what the ſucceſs will be. Monſieur de Torcy nevertheleſs did not ſeem to make any doubt; he only ſaid, that in caſes of this nature, time was not to be loſt.

The earl of Mancheſter to the earl of Jerſey.

Paris, Jan. 6, 1700.

I am in hopes the grand affair goes on well, ſince monſieur de Torcy, diſcourſing yeſterday with me, as he generally does, told me, that the penſionary of Holland had told monſieur de Bonrepos, that the province of Zealand had given their conſent [illegible], there being ſince ſome time paſt, it is hoped we ſhall ſoon know the ſucceſs; which will make the court eaſy. Monſieur de Torcy pretends, they have propoſals of treaties from all parts, but that the king does much more deſire and ſeek that with the king of England than any other. Monſieur de Torcy has received by an expreſs a letter from monſieur de Tallard, of the 30th of December, N. S. which is two days freſher than ours. He ſeemed much better ſatisfied than the time before.

The earl of Jerſey to the earl of Mancheſter.

Whitehall, Jan. $\frac{11}{21}$, 1700.

The great affair is come to a good concluſion; the province of Holland, having conſented to it, except ſome little reſerve, which will be of no conſequence. Your excellency will be pleaſed, as you may occaſionally diſcourſe with monſieur de Torcy, to let him know this; which may prevent any thing, that Tallard may repreſent otherwiſe, on this ſubject.

The earl of Mancheſter to the earl of Jerſey.

Paris, Jan. 27. 1700.

I was yeſterday with monſieur de Torcy; who had received an expreſs from monſieur de Tallard, with news, That the affair was concluded: That the only difference that remained, at preſent, was, That the States would have their part ſigned in Holland; and monſieur de Torcy did not well know how this could be done, the French king having no miniſter there. I found monſieur de Torcy very well pleaſed; and, in caſe that matter is not otherwiſe agreed on, I could per-

Will. III. againſt it from the beginning. The former, ſoon after the
1700. concluſion of it was notified to him, returned for anſwer,
"That

perceive, that would be no obſtruction; but the French king will ſend a perſon into Holland.

The earl of Mancheſter to the earl of Jerſey.

Paris, March 31, 1700.

The treaty is come from Holland, though the counterpart be not yet, becauſe, as monſieur de Torcy ſaid, they could not tell, but the courier might have been ſtopped in Flanders; ſo they would not ſend them together. It does begin to take air, and count Zinzendorf has ſome notice of it, having diſcourſed to me of the ſeveral heads. I have been far from giving him any light into that matter; only ſo far, as I have often ſaid before, when I found him alarmed at the illneſs of the king of Spain, That I thought it would be happy for Europe, if there could be a compromiſe; but that that would very much depend on the emperor. He ſaid, I might be aſſured the emperor would agree to any thing, that was reaſonable. I avoided, always, going any further, without orders; though I cannot ſee, but he will be ſoon informed of this whole matter, whenever it is again propoſed at Vienna.

——— I do believe, this court will do what they can, in order to a peace in all parts. The reaſon why I think ſo, is becauſe monſieur de Torcy ſays, It would be neceſſary, that moſt of the princes in Europe conſented to what is agreed on in England; which cannot be ſo well done, if they are in war one with the other.

The earl of Mancheſter to the earl of Jerſey.

Paris, May 8, 1700.

I deſired monſieur de Torcy would let me know, when he would mention the late treaty to the emperor's miniſter; and what meaſures they intended to take, that I might act conformable to them: He ſaid, He ſhould take no notice of it to him, till next Tueſday ſevennight: that they would ſend orders to monſieur de Villars (with a copy of the treaty) to communicate it to the emperor; and to ſend back the courier at the expiration of eight days, in caſe he had no anſwer, and to declare, that this king ſhall look upon it as a refuſal: that, leſt the emperor might engage the pope, the French ambaſſador at Rome is to communicate it alſo, and to deſire it may be kept a ſecret: that they think proper to act in the ſame manner with the republic of Venice, and they will impart it to their ambaſſador here about the ſame time they mention it to the emperor's miniſter. As for Spain, they thought it not yet proper. He ſaid, they ſhould now ſoon ſee the ſucceſs of this great affair, and the king would have the honour of it, and the caſe was extremely changed in two years: that the king had now

all

Will. III. 1700.

niſhed, that any diſpoſition ſhould be made of the Spaniſh monarchy, during the life-time, and "without

Memoirs of marſhal Villars.

intereſts and welfare of me of the der ſome hen they Tallard, diſpoſed. unlikely, it being plainly their intereſt; elſe I ſhould not eaſily be perſuaded of their good intentions. I wiſh it was ſo elſewhere.

it to me, and began much in the ſame manner as with monſieur de Torcy. I told him, I wondered to ſee him ſo much ſurprized, ſince for ſome time he always aſſured me, there was ſuch a matter in agitation, and that it was concluded: that, if he would conſider a little, he would be convinced, that the king had not only conſidered the intereſt of Europe, but in particular that of the emperor: that what might be very doubtful, and even not likely to be obtained by a war, might now be ſecured by a peace if they pleaſed. He ſaid, what faith can be expected, if the Pyrenean treaty, and the renunciation, that France made, was not valid? To this I anſwered, That I believed the emperor did not take it to be a full deciſion in relation to Spain; elſe he would not have made a ſecret treaty with France in 1668, wherein he yielded much more, as I was informed. I then proceeded to ſhew him the ſituation of affairs. I repreſented the power of France, the intereſt they have in Italy, as alſo in Spain; and beſides what he had often told me, that it was feared, that the Spaniards would declare themſelves for a prince of France: that I was of opinion, that he himſelf would think at laſt, that this was the only way to prevent it, and that they had it now in their power. Upon the whole matter he ſeemed partly convinced, and he begins now to think, that

The earl of Mancheſter to the earl of Jerſey.

Paris, May 19, 1700.

Yeſterday monſieur de Torcy acquainted the emperor's miniſter of the whole affair. He ſeemed mightily ſurprized, and complained much of the proceedings of our king, taking notice of the many engagements, that have been made between his maſter and him. To which monſieur de Torcy anſwered, That he thought he had no reaſon to complain, after what had paſſed on that ſubject at Vienna, and that the emperor had been informed of every thing, that was now agreed to: that this matter was not of a new nature, for that there had been a ſecret treaty between the emperor and France concerning the ſucceſſion of Spain in 1668. When I ſaw monſieur de Torcy, he told me all that had paſſed, and I was glad to hear of this ſecret treaty, that being a good argument to monſieur de Zinzendorf, as you will find afterwards. He ſoon took notice of

Will. III. 1700. " without the conſent of the preſent poſſeſſor; and that, con-
" trary to juſtice and a decorum, himſelf, who was the
" rightful

that the king could obtain no better conditions, and that the only difficulty, that will remain, is what relates to Milan. I left him to judge, whether he thought the princes of Italy would be contented, that either France or the emperor was maſter there. After this diſcourſe he went again to monſieur de Torcy, and deſired a copy of the treaty, which he ſaid he would ſend him, and then made him ſome propoſals as from himſelf, that he might be the better able to inform his maſter; which he afterwards acquainted me with, and which I ſend your lordſhip in his own words, as well as I can remember them. He is now ſo apprehenſive leſt Spain ſhould declare for France, as you will ſee by the queſtions he aſked monſieur de Torcy, that he will do what he can for the treaty; and it is thought he is very well with the emperor. He ſends this day an expreſs to Vienna, and, I think, one to count Harrach in Spain, as does alſo the Spaniſh ambaſſador, whom monſieur de Torcy has acquainted with the treaty, and given him a copy of it. He only ſaid, It was a matter above his underſtanding, but he would not fail to inform his maſter of it. The Venetian ambaſſador is alſo acquainted with it; and monſieur Colliere goes this week to the duke of Lorrain to notify it to him. So your lordſhip will judge it will not be long a ſecret.

Count Zinzendorf aſked monſieur de Torcy of his own accord, after the agreement betwixt England, France, and Holland, had been ſhewn him:

' 1. Whether France will ' conſent to the archduke's go- ' ing into Spain, during the ' life of his Catholic majeſty?"

Monſieur de Torcy's anſwer:

France does conſent to it, on condition that the emperor accepts the conditions.

' 2. Whether, in caſe the ' Spaniards would make choice ' of a French prince within the ' given term of three months, ' it be agreed not to give ear to ' the propoſals of Spain?"

Yes, it is agreed.

' 3. That the ceſſion of the ' kingdom of Naples ought, in ' my opinion, to be underſtood ' as only to the deſcendants of ' queen Mary Thereſa; and that ' it is by no means to be incor- ' porated with the crown nor ' the houſe of France?"

That this will be made eaſy, and that there will be no difficulties about it.

' 4. Whether there was any ' room to hope, that France ' would change or accommo- ' date ſome things in the ' treaty?"

That the king was in ſo good a diſpoſition, that he would come into any thing; and that this treaty was not of that nature,

" [illegible] heir to the whole, was to be compelled to accept Will. III.
" [illegible] it within the ſpace of three months, under the 1700.
" [illegible]alty of forfeiting his ſhare to a third perſon not yet
" [illegible]med. That, however, he could take no final reſolu-
" tion

ture, that nothing could be [illegible] in it, ſo it be done by [illegible] conſent of England, [illegible] and Holland.

The earl of Jerſey to the earl of Manchester.

Hampton-Court, May 13, 1700, O. S.

I have your letter of the 19th, and laid it before the king. His majeſty approves of what has been ſaid to count Zinzendorf, concerning the treaty, only as to the ſecond query:

'Whether, in caſe the Spaniards would make choice of 'a French prince within the 'given term of three months, 'it be agreed not to give ear to '[attendre] the propoſals of 'Spain?'

A. Yes, it is agreed.

'The ſenſe of theſe words is 'it not this? That, though the 'Spaniards ſhould, within the 'three months, propoſe to make 'choice of any prince of the 'houſe of Bourbon, yet the 'French ſhall not in that caſe 'hearken to ſuch a propoſition, 'but ſhall adhere to what is li-'terally preſcribed in the treaty. 'Your lordſhip will ſee, in diſ-'courſing with monſieur Zin-'zendorf, if he does not under-'ſtand it thus; and take care, 'that it be ſo explained to mon-'ſieur de Torcy, as to leave no 'room for any difficulty.'

The earl of Mancheſter to the earl of Jerſey.

Paris, May 26, 1700.

I have acquainted your lordſhip already, that the only diſcourſe we have here is concerning the treaty with England, and I have made ſome enquiry, which way it could come to be ſo ſoon public; and it happened thus: The king ſent for monſieur on Thurſday laſt, and informed him of it, and even of the particulars, ſaying, it was no longer a ſecret, for he had informed moſt of the princes of Europe of it. This was ſufficient to make it known, and it was certainly deſigned ſo. It does occaſion different opinions, tho' I find, that the more they conſider, the more they approve of it. The Italian miniſters were the moſt alarmed by what the French are to have in Italy, with the ſeveral ports, which makes them maſters there whenever they pleaſe. But the chief point is, that all theſe places are annexed to the crown of France. They ſay, if they were to go to a younger ſon, that might make all that matter eaſy. We are to ſee here monſieur de Torcy to-morrow, the court being ſtill at Marly, and then I ſhall be better able to give you an account how affairs ſtand. I hear the Spaniſh ambaſſador does very prudently, and has ſoftened the

Will. III. 1700. " tion till the return of a courier from Madrid, who was to " bring him an account of the king of Spain's sentiments, on " an

matter as much as possible to the court of Spain.

The earl of Manchester to the earl of Jersey.

Paris, May 29, 1700.

I never fail, when the ministers here speak of the king, to assure them of the particular esteem he has for his most Christian majesty, &c. and I had yesterday a good opportunity of repeating it at a conference I had with monsieur de Torcy about the treaty, &c. I am of opinion, that the emperor's minister here will press that matter at the court of Vienna, he being more convinced than ever, that it is for his master's interest to agree to it; and monsieur de Torcy did own to me, that he found him much altered since the last time he saw him; and he told me of the propositions he had made him, and which I have already acquainted you with. The courier, which was sent to monsieur de Villars, is expected back every day, and will give us some light as to which way this will turn. The duke of Lorrain has acceded, but it is at present a secret, as monsieur de Torcy says, because he is willing to keep measures with the emperor, as you will be told by monsieur de Tallard, if he has not told you already.

The earl of Manchester to the earl of Jersey.

Paris, June 2, 1700.

I had the honour of yours of May the 13th, and am sensible the second proposition of monsieur de Zinzendorf might have been plainer by the word "cou-'ter" instead of "[illegible]" but I was willing to keep his own words, not having [illegible] discoursed with monsieur [illegible] though I now [illegible] went further, and [illegible] he said, "[illegible] 'within [illegible] 'months [illegible] 'else they [illegible] 'themselves obliged." This he added, in order to leave him in more doubt, which he thought was proper at present; though he said it was not very likely the Spaniards would now be more their friends; and besides, this king would keep strictly to what is prescribed by the treaty. I afterwards talked to monsieur Zinzendorf, who understands it in your lordship's sense, and I did explain to him further what monsieur de Torcy had told me concerning that matter. At first he did not intirely agree to it, though there was little difference, so that there can be no ill consequence from it; and this matter is so settled, that I hope the king will approve of it.

Monsieur de Torcy made some excuse to me, and said, the time would not permit them to consult first with the king in relation to the duke of Lorrain, and told me, they had sent a project to be signed by him, and it was not convenient to let this matter cool: That some conditions were sent, but such as would

"an affair of such consequence to both of them." In this answer the Imperial court persisted with little variation, except

Will. III. 1700.

would cause no disputes: As, 1. That the duke is not to quit Lorrain till he is in possession of Milan. 2. That Milan should go to his heirs and family, as Lorrain now does. 3. That the dauphin should renounce all his claim. 4. That they would not agree with the emperor till the investiture from him was settled, if necessary, in relation to Milan. Monsieur de Villars has a copy of this project; and, when it is signed, which will be very soon, it will be necessary, that the king and the states-general should sign an act to confirm the same. Monsieur de Villars has communicated the treaty to the emperor, who declared in general terms, that he was very much inclined to the peace of Europe. By the couriers, which he was to send eight days after, he will explain that matter further. Monsieur de Torcy says, they have an answer from the French ambassador at Rome, and the pope seems to approve of the treaty. After this he said, it would be very convenient, England and France should always act in concert in the affairs of Europe; and let fall some words, as if he understood there was a treaty on foot between England, the Emperor, Denmark, and Poland: That the Danish ministers had made several offers in England, &c. I told him, I thought there was nothing of that nature, and it was not very likely, because we sent our fleet to assist Sweden, which was in a manner declaring against Denmark and Poland: That I supposed their minister here had made proposals to this court, at least it was said so. But, since the assurance he had given me, that no alliance or treaty should be made with them, till matters were composed, without communicating it to the king my master, I was intirely satisfied, and I hoped he would be so likewise, reports of this nature being generally spread to create misunderstandings.

The secret treaty of 1668, was signed by the father of count Aversperg, who is now with you. The emperor then consented, that France should have Naples and Sicily, all Flanders, and the Philippine islands. Count Zinzendorf says he was banished for that reason.

The earl of Manchester to the earl of Jersey.

Paris, June 9. 1700.

The courier, which monsieur de Villars was to send back from Vienna eight days after his arrival, is come back. Monsieur de Villars writes, that he had discoursed with count Cannitz, that he was pressed to stay some days before he sent back the courier; that, when they found he could not do it, they let him know, that the emperor would, in ten days time, give him a positive answer; and that he would not take any measures with Spain

Will. III. 1700.

cept that their refusals became stronger and sharper, the more they were pressed; and sometimes they pretended, what they could

and they believed it would be such an answer, as he would think worth sending by another express. So they think here, this matter is in a good way. He told me further, that the duke of Lorrain desired an explanation concerning the sovereignty of Bich, which, by the treaty, is to go to the prince of Vaudemont; that the duke had reasons to think he had no right to it at present, and therefore whatever I signed should not prejudice his title, till the treaty took place. This we have allowed him, and they understand that the prince of Vaudemont is to have the sovereignty, when the exchange is made. Monsieur de Torcy took notice to me again, that the French king would act in nothing without consulting the king, and he supposed he was fully satisfied of it, and that he approved of what had been done. I thought it proper to assure him of it, &c. It is certain, the credit and reputation of the king was never so great here, as it is now. Though I can never be persuaded they love him, yet I am confident they esteem him, and desire his friendship. I must tell your lordship, all agree, that the duke of Savoy is rightly served. His minister here is very uneasy.

Mr. James Cresset to the earl of Manchester.

Hamburg, June 14, 1700.

The late league concerning the Spanish succession makes a great noise in the world. If the emperor be pleased, it is no great matter what others say or do.

Mr. Paul Methuen to Mr. Abraham Aubryon.

Lisbon, June 15, 1700.

We are likely to have a more busy scene of affairs than has been usual; for, the last day of May, there arrived a courier in eleven days from Versailles to the French ambassador, which is an extraordinary diligence. The day after his arrival, the ambassador desired a secret audience of the king, which being granted, he remained an hour in private with him, no body being in the room but the king and himself; during which he shewed him the treaty in French, that was signed by the earls of Portland and Jersey, count de Tallard, count de Briord, and eight Dutch plenipotentiaries, for the dividing the Spanish monarchy between the archduke and the dauphin, if the king of Spain should die without any children. After he had shewed the treaty, and explained the contents of it, he made a speech to invite him into it, setting out his master's great kindness shewed to the king of Portugal on this occasion, in giving him so sudden notice of what concerned so nearly the interest of this kingdom. The ambassador received no answer from the king at his audience; so

could not believe, that Charles II was in a fair way of recovery, and might have poſterity of his own. This was the language

Will. III. 1700.

ſo he diſpatched back the courier to give his maſter an account, that he had obeyed his orders; and four days after he ſent one of his ſervants poſt with the anſwer he received from the duke of Cadaval, his commiſſary, which was, that, this being a buſineſs of great conſequence, it required ſome time to conſider of it; and that in the mean time the king returned his moſt Chriſtian majeſty thanks for this particular demonſtration of his kindneſs, and aſſured him, that no body could deſire more earneſtly than he, whatſoever was for the good and peace of Chriſtendom. By this anſwer it ſeems probable, that the king of Portugal will not take any reſolution of being comprehended in the treaty, until he ſees what the emperor does; and that, in order to it, he will wait for count Wallenſtein, who has been ſome time at Madrid, and is expected here in a few days, the king's barges being already gone to wait for him on the other ſide of the river.

The earl of Mancheſter to the earl of Jerſey.

Paris, Jan. 16, 1700.

I find the French deſign very ſoon to communicate the treaty in all parts, as monſieur de Torcy ſays, ſince England ſays there is no occaſion of deferring it, eſpecially in thoſe parts of Germany, where the king has no miniſters; but, where he has, it is neceſſary they ſhould all act at the ſame time. The French intend and think it convenient to do it to the prince of Heſſe-Darmſtadt and the duke of Saxe-Gotha, who were forgot. As for the electors of Hanover and Bavaria, they leave that to us, the elector of Hanover not being yet owned as ſuch by this court. The French miniſter at Mantua is to have orders to communicate it there and at Parma, &c. And they have given their order for Turin. The duke of Lorrain has not yet ſigned, though he pretends he will. He has called a council of twelve perſons, ſince which he has deſired many explanations from this court to what concerns his own country, that ſo they may have the ſame privileges when under France. Some are allowed, but he deſires alſo not to be a guarantee of the treaty, which deſire is of ſuch a nature, that it cannot be agreed to. We ſhall ſoon find, whether all this is not to gain time, and to ſee what the emperor will do.

Mr. Robert Sutton to the earl of Mancheſter.

Vienna, June 19, 1700.

Underſtanding, that it would not be unacceptable to your excellency to know what meaſures the emperor takes in relation to the treaty newly concluded with France, I could not but rejoice at an occaſion of doing your lordſhip any pleaſure, and take the liberty to acquaint you, that the emperor has not hitherto

Will. III. 1700. language of their public memorials; but the counts Harrach and Kaunitz, the principal ministers of Leopold, talked in a higher

therto taken any resolutions touching the treaty. All that has been declared is, that the emperor, for reasons very well known, thought himself obliged to communicate with Spain, which is the party most concerned in his opinion, and that afterwards he would return an answer; which perhaps we may be forced to wait for till towards the end of the term allowed him. In the mean time your excellency will easily judge the agreements to be very unwelcome to this court. Some of the ministers do not hide their high dislike of it. But nevertheless, though they do not explain themselves, I believe it is past doubt, that the emperor will at length enter into it. The necessity of it is very clear, and will be often repeated to them.

Mr. Stanhope to the earl of Manchester.

Hague, June 24, 1700.

Here is a perfect good understanding between the French ambassador, the count de Briort, and me. I dispatched two days ago, by his courier, copies of the late treaty about the Spanish succession to our ministers at Hamburg, Copenhagen, Sweden, and Berlin, to be communicated to those princes, with instructions to endeavour to persuade them to approve and enter into the guarantee for executing it. I am told your excellency has done the same to M.. Methuen in Portugal.

The earl of Manchester to the earl of Jersey.

Paris, June 26, 1700.

The court being at Marly, monsieur de Torcy came on Thursday last to Paris, and in the conference I had with him, he told me, that the duke of Lorrain had himself signed the treaty with monsieur de Callière, and at the same time had wrote to the French king, that notwithstanding he did not insist on the several explanations, and the proposals he had made, yet he hoped they would be granted him. The chief point, and which he desires most, is, that he may not be looked upon as a guarantee, since he had neither troops nor money to maintain it, in case of a war. Besides, to act against the emperor, he thought, was what in gratitude he ought not to do. It was not proper to allow him this, as I take it, for very good reasons, since it would have been an example to others to make the same difficulty, and especially to those, who have not the same advantage by this treaty. Yet it is explained to him, that it is not expected he shall give any other assistance than a free passage through his country, in the same manner as he is already obliged to do by the treaty of Ryswick. He also consents to send some full power to sign it at the Hague, as I understand the king desires. Most of the other things he desires, and

higher and more confidential ſtile to the French ambaſſador, the marquis de Villars. They expreſſed, in their private conferences, Will. III. 1700.

and of which I think I formerly acquainted you, relate to his own country, when it ſhall be ſubject to France, and moſt of this is granted him. It was well he did not ſtay for an anſwer from Vienna; for, as I perceive, there is but little inclination there to agree to the treaty, as it is now: for, I take it, you will ſee them play another ſort of game. Monſieur de Zinzendorf's courier is returned, and he told me, that his orders were to aſſure me, that his maſter was as much inclined as any body to preſerve the peace of Europe; but, as the treaty was communicated in Spain, he could not come to any reſolution, till he had heard from thence; I did perceive there was ſomething more, and eſpecially ſince I ſaw him ſo impatient to ſee monſieur de Torcy, which he did preſs very much; and he ſaw him on Tueſday at a houſe near Marly, where he told him, he had orders from the emperor to offer the Dauphin, inſtead of what he was to have in Italy, the Weſt Indies. Monſieur de Torcy ſaid (as he tells me, and I cannot but think this court will act ſincerely) that the propoſition was of ſuch a nature, that he did not think it proper to acquaint the king with it; neither could he imagine that England and Holland could agree to it. To which monſieur Zinzendorf anſwered, That France was able to maintain it by their fleet and troops, if they would accept of it. When he found this would not do, then he propoſed, as from himſelf, that France ſhould have Sardinia and Luxemburg, in lieu of Lorrain, and the emperor Milan. This was as extraordinary as the other. At laſt he ſaid, it was impoſſible for the emperor to agree to the ninth article, viz. That the kingdom of Spain ſhall never deſcend to any one, who ſhall be at the ſame time emperor, or king of France, &c. After ſome further arguments that paſſed, monſieur de Torcy aſked, Whether the emperor would ſign the treaty, in caſe this article was ſuppreſſed? He could not ſay any thing poſitively to that. I cannot tell but France would be eaſy enough in this alteration; but I take it to be againſt the intereſt of Europe to have it ſo. When monſieur de Torcy acquainted me with this, I told him, that what he had propoſed, was, in my opinion, of great conſequence; and very unlikely to be agreed to by whoever might approve the treaty. Spain might then poſſibly be joined to the empire, &c. He did own it would have difficulties, and ſaid, the French king would not hearken to any propoſal but by common conſent. I muſt take notice to your lordſhip, that monſieur de Villars was only acquainted with the firſt propoſition, viz. that of the Indies, and even that was not communicated to Mr. Hop. I have not taken any notice of all this matter to monſieur de Zinzendorf,

Will. III. 1700. ferences, the strongest resentment at the conduct of the maritime powers, not unmixed with terms of disrespect towards king

Zinzendorf, nor do I intend it; though monsieur de Torcy said I might as to the first proposal, he having declared he made it by order. Monsieur de Torcy then told me, that the treaty had been communicated to the king of Portugal, who talked of it, as if he could never consent to it; and accordingly the French minister there sent away on the 4th instant the courier. When the king perceived this, he soon changed his mind, and so another was dispatched, by whom he agrees intirely to the treaty, on the following conditions:

1. If the emperor does not consent within the time limitted, that then he may be one in the naming of another prince.

2. That he may have two places yielded to him, that formerly belonged to Portugal: one was Alcantara, but I do not remember the other.

3. That, if he be attacked by reason of the treaty, those who are concerned in it, shall be obliged to assist him.

Monsieur de Torcy did seem to think it was worth granting him these terms, since it was the only way to engage him heartily in it; and, as for the first article, there would be still three against one. The same courier brought letters from Madrid with this account, that the council, that had been assembled upon the notification of the treaty, where the king was not present, had agreed, that the best advice they could give the king, was, that he should declare a prince of France for his successor; the count d'Aquilar being the only one that did not consent to it. That the queen had pressed the king to disapprove of this resolution, which he would not do; and that as yet he had not declared himself. The conn. de Harrach had discoursed with several of them, and especially with the cardinal Portocarrero, and others, where he thought it the emperor's interest; and they all answered, that it was the only advice they could give their king.

This matter is not yet public here. Monsieur de Torcy thinks it proper, that our envoy in Switzerland should have orders to speak privately to several of the chief of them; and say, it is expected they do give leave to any troops to pass their country in case of a war, this king intending to give the same instructions to monsieur de Puysieux, and order him to say, that they were to observe the same method our king had done, and not to mention this matter in public.

The earl of Manchester to Sir Lambert Blackwell, envoy at Florence.

Paris, July 3, 1700.

I have received the inclosed from my lord Jersey, and have taken this way of sending it you by a courier, who brings orders of the same nature to the French envoy. I suppose you will find you are to act jointly, and to take

king William, and inſinuations, that domeſtic factions had rendered his government weak and contemptible. They aſ- Will. III. 1700. ſured

take your meaſures together. It is in relation to the late treaty with France concerning the ſucceſſion of Spain. I cannot tell how acceptable it will be to the great duke.

The earl of Mancheſter to the earl of Jerſey.

Paris, July 7, 1700.

I ſuppoſe the Jacquet was gone before your's of the 20th of June came to Whitehall, becauſe it came by itſelf, and I did not receive it till I was returned from Verſailles, ſo that I could not diſcourſe with monſieur de Torcy concerning thoſe matters. He told me, however, as to what you write in relation to the ninth article, that he had mentioned it to M. de Zinzendorf, who has promiſed to ſend immediately a courier to Vienna, for he had no poſitive orders to ſay, that this was the only point the emperor inſiſted on. M. de Zinzendorf alſo took notice of it to me, and ſays he will do what lies in his power: I muſt tell your lordſhip, that he does what he can to be well here, and endeavours to procure merit to himſelf both with the emperor and this court.

The earl of Mancheſter to the earl of Jerſey.

Paris, July 8, 1700.

Monſieur de Torcy has aſked me, if the king approved of the manner in which they have communicated the treaty. I ſaid I had no reaſon to think otherwiſe. This may be occaſioned by what monſieur de Zinzendorf may have ſaid to him, for he has as good as told me, that in England it was not liked, that the treaty ſhould be made ſo public. Monſieur de Zinzendorf is of opinion, that the king of Spain will never declare for a prince of France, but rather for the arch-duke. This we ſhall now ſoon ſee. The Spaniſh ambaſſador has as yet received no orders, and carries himſelf in the ſame manner as he did before the treaty.

The earl of Mancheſter to Mr. Sutton at Vienna.

I am obliged to you for your letting me know what thoughts they have where you are concerning the treaty, and I find you write much the ſame with what they have here from thence. I cannot but think the emperor will judge ſo well of his own intereſt as to accept it at laſt, eſpecially, when he ſees Spain is inclined to ſettle the whole ſucceſſion on a prince of France, which I ſuppoſe you have heard of. All the council, except count d'Aguilar, were of opinion, that the beſt advice they could give the king, at this juncture of affairs, was for him to declare the duke of Anjou his ſucceſſor. I cannot tell but this may make ſome alterations at your court, and bring them to

Will. III. 1700. ſured him, that their maſter would put every thing to hazard, rather than accept a treaty, which muſt reduce him to an abſolute

a ſpeedy reſolution. I am told, that count Caunitz is ill, and that this makes the affairs not ſo well as otherwiſe they would.

Mr. Sutton to the earl of Mancheſter.

Vienna, July 10, 1700.

As to the treaty of regulation of the Spaniſh ſucceſſion, I have only to acquaint your lordſhip, that this court will not return any poſitive anſwer yet. They have received newly a courier from Spain, but will not diſcover what diſpatches he has brought, and conceal their intentions as much as they can till the return of their own courier from Madrid, alledging, they can ground nothing upon the advice they have hitherto received thence. However, it may be preſumed, they will accept the treaty, though it be very diſpleaſing to them. They take no viſible meaſures to prevent the execution of it; from whence one may reaſonably conclude, they ſee the neceſſity of admitting it; and one cannot wonder at their managing the affections of the Spaniards.

P. S. I thought not to conceal from your excellency, that it appears pretty plainly, that this court would abſolutely reject the treaty, if they had any hopes of bettering themſelves: but, eſteeming the buſineſs irrecoverably concluded on our ſide, and not knowing how to remedy it, they are like-

The

de Torcy, he told me (which he ſaid was forgot) that it would be proper I ſhould have order to take notice of the treaty concerning the ſucceſſion of Spain to thoſe Italian miniſters, the come from courts, where ou king has none, and to deſir their maſters to enter into th treaty, as France has alread done, as a means to ſecure th peace of Europe. I ſaid I ha no orders, but that I woul write about it. As for Modena I thought it was not proper for me to take notice of, which he agreed in; ſo that there are Savoy, Venice, Mantua, and Genoa. I intend to ſpeak again to monſieur de Torcy, and have a further explanation.

I ſend you a letter from monſieur d'Hervaert, who has communicated the treaty: monſieur de Torcy tells me, that it is thought, that the Swiſs cantons will hardly enter into the guaranty, but they may content to have troops raiſed in their country, in caſe of a war. On that occaſion, he ſaid alſo, that he

abſolute dependence on England and Holland, for the preſervation of Spain and the Indies in his family, and, at the ſame Will. III. 1700.

he had ſent to the French ambaſſador in Portugal a copy of the treaty to be ſigned by that king, in the manner it was agreed on in England. He tells me, that the duke of Savoy anſwered with great profeſſions, but in general terms, when the treaty was communicated to him. That the French ambaſſador there had now orders to let him know, that the king his maſter had reaſon to hope he might have had a more poſitive anſwer from him, eſpecially ſince there was a diſcourſe, as if he had made a treaty with the emperor; which, as he did not believe, ſo it was neceſſary ſuch diſcourſes ſhould be diſcouraged, and that the world ſhould ſee the contrary. That, as for monſieur de la Tour's going to England, the French king was glad, that he took all the ways to cultivate the friendſhip of the king of England. This will certainly put him on ſome difficulties how to explain himſelf.

Mr. John Robinſon to Mr. ſecretary Vernon.

Malmo, July 13, 1700.

I have ſeen a letter from the king of Spain to the king of Sweden, giving him an account of the treaty made about the ſucceſſion to his dominions; but only adding, that it is a matter of great importance, and that he (the king of Spain) is deliberating upon it. They intend, I think, to anſwer, that the king of Sweden will do ſo too.

The earl of Mancheſter to the earl of Jerſey.

Paris, July 23, 1700.

Monſieur de la Tour is here; and, as ſoon as he has waited on this king, he intends for Holland. I have ſeen him; and, by his diſcourſe, I find he does not think to go into England, when the king returns; though the Savoy ambaſſador, here, told me, That he was to reſide there; and ſo he told this court. It will depend much on the ſucceſs of what he goes about; and, I muſt tell you, that it occaſions many conjectures here, eſpecially, ſince it is known, that the duke of Savoy has of late ſent many expreſſes to Vienna, which this court does not like: and, I have reaſons to think it will preſs him to declare what his intentions are; it being his misfortune to be ſo well known, that it will be hard for him to play the ſame game over again. His ambaſſador here is much dejected; and, at the laſt conference I had with monſieur de Torcy, he was ſeen to come from him in great diſorder. It was eaſy to imagine, that this was occaſioned by what I have mentioned to you.

The

Will. III. 1700, same time, robbed him of the Milanese. They threw out frequent overtures, that his imperial majesty was willing to take

The earl of Manchester, to Mr. secretary Vernon.

Paris, July 24, 1700.

As to the affairs of the North, I cannot see but this court is as desirous as we to accommodate them, at least, in outward appearance they are so: besides, I take it to be their interest, since the king of Denmark is willing to enter into the treaty concerning the succession of Spain.

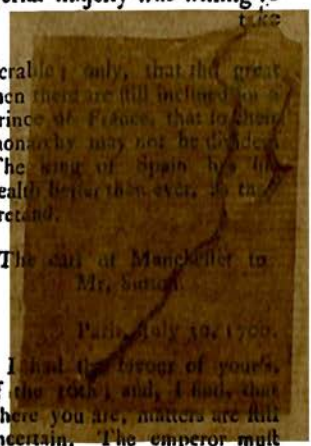
The earl of Manchester to Mr. secretary Vernon.

Paris, July 28, 1700.

Monsieur de la Tour leaves this place in a few days; and you are not like to see him in England; neither does he propose to stay above three weeks in Holland. His business there is to lay before the king the great debts that are due from the king of Spain to the duke of Savoy. He had an audience from this king; and assured him, That his master has no engagements with the emperor; nor does he in the least dispute the right of the Dauphin. I find this court is satisfied, now, with his going; and will be glad to help him; though, if he acts otherwise, they will soon find him out.

The earl of Manchester to Mr. Blathwayt.

Paris, July 30, 1700.



The letters from Spain of the 17th bring nothing very considerable; only, that the great men there are still inclined for a prince of France, that so their monarchy may not be divided. The king of Spain has his health better than ever, as they pretend.

The earl of Manchester to Mr. Sutton.

Paris, July 30, 1700.

I had the favour of yours, of the 10th; and, I find, that where you are, matters are still uncertain. The emperor must now soon come to some resolution. His courier, that went to Spain, passed lately here, in his return to Vienna; and, it is thought, that in case the king of Spain is not inclined to declare the archduke his successor, the emperor will sign the treaty. I am of opinion, that the resolutions of Spain, whatever they be, will not signify much, they being not in a condition to support them: and it is certain, that the great men there, are almost all for a prince of France, for the whole succession; and they would not have the monarchy divided; and think, if the French would accept it, they are able to maintain it better than the emperor. I wish your court [of Vienna] may see so well their interest, as not to lose this opportunity, by putting it out of the power of the king our master to help them; which must certainly be the consequence, if they do not accede.

Sir

take up with the dauphin's ſhare of the partition, or to con- Will. III.
cert a new one with Lewis XIV, which ſhould coincide 1700.
better ———

Sir Lambert Blackwell to the earl of Mancheſter.

Florence, July 30, 1700.

I wrote to your excellency, the 23d, adviſing what paſſed at my audience with the great duke; and, at midnight (after the poſt was diſpatched) I received from cavalier Montemagni, ſecretary of ſtate, a few lines; bringing me his highneſſes anſwer. Copies of both I incloſe, by which your excellency will find the great duke expreſſes himſelf very much obliged to his majeſty; but ſeeks to gain time, by his general anſwer, without mentioning whether he will or not enter into the guaranty of the treaty: my opinion being, that his highneſs is willing firſt to know, what the emperor and Venetians reſolve; and accordingly will take his meaſures. I do likewiſe ſend your excellency a copy of his highneſs's anſwer to the French envoy; being much to the ſame purpoſe, which the envoy diſpatched to his moſt Chriſtian majeſty, by a courier extraordinary; and till the return (which, he tells me, may be in fifteen days) will move no farther. I muſt alſo wait his majeſty's commands; though I intend to let the ſecretary of ſtate know, that my hopes were, his highneſs would have been more particular.

Mr. James Creſſet to the earl of Mancheſter.

Hamburgh, June 30, 1700.

Your excellency plainly ſees the tricking of the Daniſh court, in ſhuffling the king our maſter into a mediation, to elude the force of his guaranty. Count Chamilly juggles to ſerve the court, where he reſides; which ſubſiſts only upon poor ſhifts and lies. If our Spaniſh treaty cannot find better and ſurer ſupports than at Copenhagen, I ſhall be ſorry for it. Your excellency may pleaſe to acquaint the French miniſtry (if you think fit) That, notwithſtanding all the confidence the Daniſh court has in their ambaſſador, the count Chamilly, it has made a myſtery to him of a letter lately ſent from the king of Spain to the king of Denmark, upon the ſubject of our late treaty: And this matter came out by accident, at ſupper, at my houſe, two nights ago; where I had only count Chamilly and the Spaniſh miniſter.

Monſieur d'Hervaert to the earl of Mancheſter.

Berne, Aug. 1, 1700.

You have ſeen, by my laſt letter to my lord Jerſey, which I took the liberty to ſend you unſealed, what I had done, purſuant to the orders of the king,

about

Will. III. 1700. better with their reſpective intereſts. But whether theſe offers were deſpiſed at Verſailles, or the ſincerity of them ſuſpected,

about the treaty of ſucceſſion of Spain, which you had the goodneſs to ſend me. I communicated it, in conjunction with M. de Puyſieux, to the Cantons, aſſembled by their deputies; he and I having invited them to enter into it, and to ſubſcribe the guaranty. Their anſwer was ſuch as we foreſaw; that is, the deputies promiſed, that each would make a report to its ſovereign. It is eaſy to judge, that they will endeavour to gain as much time as they can. As the dyet is finiſhed, we can have no poſitive anſwer from the Cantons; but, at another, which muſt be called on purpoſe: And we intend to puſh for it, when we ſhall think it a fit time. If we cannot perſuade them to engage themſelves, in form, in the guaranty for the execution of the treaty, we flatter ourſelves, that we ſhall, at leaſt, obtain that they will not permit that the troops, which the emperor might ſend to oppoſe it, ſhall paſs. At this we work with all our might; that is, M. de Puyſieux and I; as alſo M. Valkenier; who is arrived in Switzerland, within theſe eight days, to aſſiſt us, by order of the States General, his maſters.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Aug. 11, 1700.

An expreſs arrived yeſterday from Madrid, in his way to Vienna. He brings no further account of the queen of Spain's being with child; yet ſome Harrach had complimented her upon the report, which, ſome think, he might as well have let alone. Her anſwer to him was, That God would do what he pleaſed. I find, alſo, in Spain, they are reſolved to court the king, our maſter. Schonenberg has been admitted to an audience of the king; and what paſſed in relation to Canales, in England, will be ſome time another will be named. Don Quiros is certainly ordered to return to the Hague. All this matter has been brought about by the queen: And it is ſaid, that our king has wrote to her; which has produced this good effect. In ſhort, the Spaniſh ambaſſador here takes all occaſions to oblige me; which I return in the ſame manner. They find it their intereſt to be well with England.

The earl of Mancheſter to Mr. Blathwayt.

Paris, Aug. 13, 1700.

The emperor's envoy has received a courier from Spain; whom he diſpatched, the ſame day, for Vienna. He aſſures me, That monſieur Schonenberg has had an audience of the king of Spain. That don Quiros has orders to go to the Hague; and that they will take no further notice of the affair of monſieur de Canales, but intend ſoon to name an ambaſſador to the king. The only meaſure, they

the marquis de Villars received no other inſtructions in answer to them, than that the king did not think it right to admit any alteration, without the conſent of his allies. The emperor's obſtinacy in rejecting the circumſtances. His troops, if complete, did not amount to ſeventy thouſand men; but, for want

Will. III. 1700. Cole.

they ſeem to have taken, is to put themſelves in a poſture of defence.

Mr. Methuen to the earl of Mancheſter.

Lisbon, Aug. 15, 1700.

This goes by a courier which the French ambaſſador ſends, to give his maſter an account, that he has concluded a treaty of guaranty with this court; by which the king of Portugal is obliged to maintain the late treaty of repartition, and the execution of it.

Aug. 18, 1700.

I have been forced to break open my letters, to acquaint your lordſhip, that the French ambaſſador told me, poſitively, he had ſigned the treaty, the 15th; yet he did not, having obſerved, juſt as he was going to ſign, that the Portugueſe had, in one of the articles, inſerted a clauſe, by which they might afterwards pretend, that they were not obliged to make war on the emperor, or Spain, until they began it. This occaſioned a diſpute between the ambaſſador and the Portugueſe commiſſioners; but all was, at laſt, accommodated to the ſatisfaction of the ambaſſador, and the treaty ſigned this evening.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Aug. 5. 1700, N.S.

I received, yeſterday, your excellency's letter of the 11th inſtant. That the Spaniards are ſo obliging, of late, does not proceed from his majeſty's having writ to them; but, I rather think, they are endeavouring to create jealouſies and ſuſpicions between us and France; and that they have a mind to have a miniſter here, next winter, to blow the coals in parliament, if he can, and to perſuade people to find fault with the treaty about the ſucceſſion to their dominions: but, I ſuppoſe, we ſhall be very well contented, that the peace of Europe may be preſerved upon theſe terms.

The report of the queen of Spain's being with child, I conceive, is the more cheriſhed, that it may give the emperor a pretence for returning no anſwer, whether he will come into the late treaty or not. The three months, propoſed for his declaring himſelf, are now near expired; and we hear nothing more from Vienna, but that a certain courier, they expect from Madrid, is not yet arrived. In the mean time, we hear, the

Will. III. 1700. want of recruits, they were far ſhort of that number. He was indebted between twenty and thirty millions of florins; and

French ſquadrons, under the command of Neſmont and Pointi, are like to join. One would be glad to know what they are deſigned for. It is ſaid, they will winter at Cadiz, if they do not make themſelves maſters of Gibraltar.

Mr. Sutton to the earl of Mancheſter.

Newſtadt, Aug. 17, 1700.

I am ſorry to acquaint your excellency, that the reſolution we have ſo long expected from the emperor, in relation to the treaty for regulating the ſucceſſion of Spain, is not ſuch as was deſired. Count Harrach has, to-day, acquainted the M. de Villars, and monſieur Hop, ſeparately, That he was commanded by the emperor, to impart to them, for their maſters information, that his imperial majeſty, conſidering the king of Spain to be in a declining ſtate of health, and of ſuch an age, that he might very well, with the bleſſing of God, hope for iſſue of his own, did not think it becoming, eſpecially him, that was his uncle, to make a diviſion of his ſucceſſion. He added to the M. Villars, That the emperor hoped this anſwer would not interrupt the good intelligence between himſelf and his moſt Chriſtian majeſty; and that he would not proceed to the nomination of a third, which would but embroil matters the more: That, when the ſucceſſion happened to fall, the emperor thought it juſtly belonged to him; and, after the extinction of the male line of the houſe of Auſtria, to the duke of Savoy, according to Philip the IVth's will. He told monſieur Hop alſo, That the emperor deſired to continue in a good underſtanding with the king and the ſtates-general. I cannot ſee count Harrach to-night; but ſhall, doubtleſs, receive the ſame anſwer from him to-morrow. If there be any thing different in it, I will acquaint your lordſhip with it, by the firſt opportunity. Your excellency is much abler than I am, to judge of the conſequences of the emperor's reſolution. He certainly reckons upon the friendſhip of the Spaniſh court; but, altho' he be ſure of it, I cannot ſee how it will anſwer the expectation he may have of it; or, what other means he has, to hinder the performance of the agreement already made.

The earl of Mancheſter to Mr. Blathwayt.

Paris, Aug. 20, 1700.

In the converſences I had with monſieur de Torcy, he told me what had paſſed at the audience which the Spaniſh ambaſſador had ſome days ago. The ſubſtance of it was to diſſuade the king from proceeding any further in the treaty concerning the ſucceſſion. He ſaid, that the king his maſter was like to live a long time; that his health

and his chamber of finances had ſcarce credit enough to ſupply him with neceſſaries. It was generally believed, that he placed Will. III. 1700.

health was better than ever it was; that he had named no perſon to ſucceed him, nor would ne. This king anſwered, that no body wiſhed more for his maſter's health than himſelf: That all men are mortal: That he had no other deſign in what he had done but the peace of Europe. The Spaniſh ambaſſador diſcourſed afterwards with monſieur de Torcy, who took notice to him, that the reſolutions, that were taken in Spain about ſuppreſſing all penſions, were in order to maintain a conſiderable number of forces, which might create jealouſies, eſpecially if they were foreign troops. To which he anſwered, that they had been long enough the jeſt of Europe, by having their affairs in ſo ill a condition; that every man was maſter in his own country, &c. I find by monſieur de Torcy, that the French are apprehenſive, that the emperor's troops are to go to Milan and Naples; and he ſaid it had been already propoſed to the republic of Venice, to paſs twenty thouſand men through their territories; and, if ſo, he thought it would be neceſſary, that the French troops that are near Catalonia, ſhould have orders to march to the frontiers of Spain; not that he believed there would be any occaſion of proceeding further, but that this would be ſufficient to hinder the Germans from going into Italy. This he deſired the king ſhould know: I am ſatisfied, that there is ſomething of this nature in hand, by what monſieur Zinzendorf lets fall ſometimes in his diſcourſes. Monſieur de Torcy ſaid, that they intended to preſs for the emperor's anſwer concerning the treaty, and that it would be convenient we ſhould do it alſo.

The earl of Mancheſter to the earl of Jerſey.

Paris, Aug 27, 1700.

Monſieur de Torcy acquainted me yeſterday with the anſwer the emperor has given to monſieur de Villars. He refuſes to enter into a treaty concerning the ſucceſſion of Spain, as long as the king of Spain lives; and hopes they will not proceed to the naming of another prince, which may have ill conſequences, and oblige him to take meaſures to defend his right. He ſaid, had he ſeen me in the morning, he ſhould have complained very much of the coolneſs and indifference they ſhewed in Holland in this affair, That though monſieur de Tallard did aſſure them, the emperor had concerted with Spain, that his troops were to march into Italy; yet it was not thought fit to take any meaſures to prevent it; but that, by the letter he juſt then received from monſieur de Tallard, he ſees and tells me, that the king our maſter does agree, that both in Spain and Vienna their miniſters ſhall have orders to declare againſt it. This court does intend

Will. III. placed his chief reliance on the chapter of accidents, or on
1700. what the ſuperſtition of his family, or adulation of its partizans,

tend to preſs the duke of Savoy to enter into a treaty with France, if he is not already engaged with the emperor. It cannot be his intereſt to have the German troops ſo near him; and, in caſe he refuſes France, it will be demonſtration, that he is acting otherwiſe than he has aſſured them.

Mr. Robinſon to the earl of Mancheſter.

Helſingburgh, Aug. 25, 1700, O. S.

The acceſſion of this crown [of Sweden] to the treaty about the Spaniſh ſucceſſion, goes very ſlowly forward, and theſe miniſters ſeem to think the circumſtances of their affairs ought to excuſe them at preſent from taking part in it, ſince the emperor has ſo many ways to incommode them, eſpecially while the war the king of Poland has begun againſt them continues. They ſeem much perſuaded, that their friends will not preſs them to expoſe themſelves, but rather firſt help them to a ſtate of ſafety, and then they ſhall be in a condition to make returns.

The earl of Mancheſter, to the earl of Jerſey.

Paris, Sept. 17, 1700.

Yeſterday I ſaw monſieur de Torcy. I do find by him, that they are very well ſatisfied with the proceedings in Holland, in relation to the great affair, and I do like the propoſal, to engage thoſe that will not enter into the guaranty, to be neuter. I did hear from other parts, that the French miniſters were uneaſy, and of opinion, that we did not act fairly; but I aſſure you, that they have no ſuch thoughts here at preſent.

The earl of Mancheſter, to Mr. Secretary Vernon.

Paris, Sept. 18, 1700.

I can now aſſure you, that this court is entirely ſatisfied with the proceedings in Holland, in relation to the treaty, and there are no grounds for what is ſaid in other parts. I do not doubt but that there are too many that would have it otherwiſe; but I am of opinion, that it is not in their power to effect it.

Monſieur Schonenberg to the earl of Mancheſter.

Madrid, Sept. 23, 1700.

I do not doubt but your excellency is informed of the anſwer of this court to the laſt memorial of the French envoy extraordinary, to make it change its reſolution of receiving any imperial or other foreign troops into its domains in Italy; as I have alſo repreſented on the ſame ſubject, by expreſs order as well of the king our maſter, as the lords the ſtates-general, they have, almoſt word for word, anſwered to it in the ſame manner; that is to ſay, in ſhort, that they

zans, have ſtiled the miracle of the houſe of Auſtria. But the true ſpring of his refuſal was, that, in June this year, the king of Spain made a diſpoſition in favour of his ſecond ſon, which they knew at Vienna, and yet took no meaſures to render it effectual, by marching troops into Italy, or ſending the young archduke with a ſufficient force into Spain; both which ſchemes had been in agitation. Will. III. 1700.

State of the Spaniſh court. Cole. Boyer.

The affairs of Spain were all this ſummer in a terrible ferment. The king had frequent returns of his illneſs; and it was expected, that every relapſe would carry him off. The adminiſtration was in a moſt infeebled and diſjointed ſtate;

they pretend here to be at liberty; and under pretence of recruiting the foreign troops, who ſerve in the Spaniſh pay, to introduce them, when they ſhall judge it to be proper. The ſaid court plunges itſelf more and more into ſtrange diſorders, in regard to the ſucceſſion. The king and queen are abſolutely for the imperial court; and on the other hand, the council of State runs blindly and head-foremoſt in favour of the duke of Anjou, flattering themſelves, that his moſt Catholic majeſty will embrace this affair. In the mean while every thing grows worſe and worſe; many deliberations and conſultations, but no good reſolutions. The king keeps his bed ſince yeſterday, by reaſon of a new flux, &c.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Sept. 25, 1700.

Here is a courier arrived from Madrid to the French court. He alſo brought letters from Mr. Schonenberg, which I have ſent forward. The French miniſter there having given a memorial, as was agreed in Holland, to the court of Spain, in order to diſſuade his Catholic majeſty from receiving the emperor's troops, or any foreigners in Italy, or in his other dominions; the anſwer was, that at preſent the king did not ſee any occaſion of recruiting his foreigners, that were in his ſervice; but, when he did, he ſhould follow the example of the king his maſter, and other princes.

The earl of Mancheſter to Mr. Methuen.

Paris, Oct. 3, 1700.

All things are very quiet here, and will continue ſo, unleſs the meaſures which Spain may take with the emperor, occaſion the contrary; which, I take it, is not their intereſt; and I hope that the declaration that has been made at Madrid and at Vienna, will prevent it. I hear your neighbours are very angry with what the king of Portugal has done. I wiſh others were as well convinced, that it is the only means to preſerve the peace of Europe, and I am ſatisfied they will at laſt.

Will. III. 1700. the nobility split into factions; the people mutinous and discontented. On the first knowledge of the treaty, they appeared highly incensed, that three foreign powers should undertake to transfer their allegiance, and parcel out their dominions. They considered a partition as the greatest diminution of the splendor and strength of the Spanish monarch. The grandees, in particular, could not endure to be deprived of so many lucrative governments; and it was the universal cry, that France alone could maintain their succession intire, and recover them out of the calamity, to which they were reduced. It is the common opinion, that the seeds of this great revolution were laid by the capacity and address of the marquis d'Harcourt, during his embassy at Madrid in 1698; and that he found means to gain over the cardinal Portocarrero, the marquis de Monterey, and de los Balbazes, besides several others of the principal nobility, lawyers, and men of note in Spain. However this may be, it is certain, the mismanagements of the present reign, and the rapacious and violent carriage of the queen Mariana, aunt to the archduke Charles, had intirely alienated the hearts of the whole nation from the Germans; and that they were disposed to receive with open arms a grandson of Lewis XIV, provided they were assured of never becoming a province to France. Nor did the reflection, that a prince of the Austrian line must owe his chief support to Heretics, carry a small weight along with it in the minds of a superstitious people. Portocarrero, for the repose of the king's conscience, which sometimes suggested to him the unnatural part he was about to act, in depriving his own family of their just rights, advised him to consult the pope on this momentous point of regulating the succession. Innocent XII, who was firmly attached to France, after taking the opinion of a college of cardinals, determined against the validity of queen Maria Teresa's renunciation, as being founded on compulsion, and contrary to the fundamental laws of the Spanish monarchy; and exhorted his Catholic majesty to make his will in favour of one of the French king's grandsons, by which he would effectually contribute to the propagation of the faith, and the repose of Christendom. As soon as this infallible decision was procured, the cardinal of Toledo redoubled his efforts, to persuade his master to act in conformity to it; who accordingly signed his testamentary disposition, in the beginning of October, N. S.

Memoires d'Harrach.

Military History.

Conduct of the French king.

With regard to the conduct of the French king, whilst this transaction was depending, it is too extraordinary not

to

to be a little insisted on. Some have thought, and not without sufficient grounds of probability, that in the proposal and conclusion of this partition, his sincerity ought to be unquestioned; and that he really considered it at that time as more for the immediate interest of his crown, to annex to it for ever those dominions, which were to be given him as an equivalent for the Dauphin's pretensions, than to put his grandson in possession of the whole monarchy. But the emperor's unexpected refusal of his concurrence, the abhorrence which the Spaniards shewed for being dismembered, and, above all, a persuasion, that England would not renew the war, induced him to break through his engagements, by accepting the will. We must however confess, that it has been the more prevailing opinion, that his most Christian majesty meant only to deceive and amuse from the beginning, and made use of what was his own proposition, as an argument to persuade Charles II. to leave the duke of Anjou his sole heir. "Let this be as it will, the treaty was no sooner ratified, than his ministers at foreign courts co-operated with those of England and the States-general, in pushing the acceptance of it; and when king William, having received some intelligence of Harcourt's negociations, expostulated with him upon it by letter, the French king not only denied his knowing any thing of the matter, but declared under his own hand, in a letter to the king, that, though a will should be made in favour of his family, he would take no advantage of it, but adhere to the partition." Nay further, when count Zinzendorf, the imperial minister at Paris, demanded in a memorial, What part France would act, in case Spain should voluntarily place a grandson of the French king on the throne? monsieur de Torcy returned answer in writing, that it would by no means be listened to; and to the very last moment, the court of Versailles expressed, in all their steps, a fixed resolution of adhering to the treaty.

Will. III. 1700.

Different sentiments about it.

Dr. Hare's negociations for a treaty of peace in 1709 considered, in a third letter to a Tory member, p. 5.

Cole.

When the secret of the partition was divulged in England, it was presently writ and talked into an unpopular measure, though visibly the only one, that could be taken to prevent a new war, in which the nation then seemed unwilling or unable to engage. The different censures it underwent were, that so important an affair ought not to have been concluded without the advice of parliament; That it was contrary to the first separate article of the alliance; That, unless concerted with the king of Spain, it was unjust in the contrivance, and hazardous in the execution; That the terms, which France had obtained, were prejudicial to the interests

Dr. Davenant.

Will. III. 1700.

of this country, and deſtructive of the ballance of power, as the poſſeſſion of Naples and the Tuſcan ports, muſt ſubject Italy to their yoke, and render our Levant and Mediterranean trade precarious, and to be carried on at their diſcretion; whilſt the ceſſion of Guipuſcoa afforded them another inlet into the heart of Spain upon any rupture.

The almoſt extinguiſhed hopes of the Jacobites began to revive on this occaſion, and upon the ſad event of the duke of Glouceſter's death. As they knew, whatever tended to create a general diſlike to the king's meaſures muſt be of ſervice to their cauſe, they were the forwardeſt to inflame the minds of the people, and had a book ſent to the preſs againſt the treaty, in which all thoſe, who were ſuppoſed to have had an hand in it, were ſeverely treated. Mr. Graham, lord Preſton's brother (as the earl of Mancheſter wrote over from Paris) was diſpatched to St. Germain's by Sir Chriſtopher Muſgrave, and others of the Tory party, with a propoſal to get the ſucceſſion ſettled on the pretended prince of Wales, and to aſſure king James, that a vote would be propoſed in the houſe of commons, not to ſupport the crown in the execution of the treaty.

Cole.

Such was the perplexed and melancholy ſituation of affairs, when the king left Loo to embark for England, where he arrived the 18th of October, not a little chagrined at the difficulties in which he found himſelf involved, and which had a viſible effect both on his health and temper.

Affairs of Scotland.

Before his return, he made good his declaration to the Scots, in allowing their parliament to meet on the 28th of October, and ſent them a letter from Loo, containing in ſubſtance, 'That, having adjourned their parliament on account of his going beyond ſea, he then promiſed what he was now ready to make good to them, at this meeting. That he had conſidered their addreſs in 1698, in behalf of the African company, and would comply with their deſires, in relation to that national concern; and moreover do all elſe, that could be required for maintaining and advancing the peace and welfare of their kingdom. He likewiſe promiſed to give his royal aſſent to all acts for better eſtabliſhing the Preſbyterian government, preventing the growth of Popery, ſuppreſſing vice and immorality, encouraging piety and virtue, preſerving and ſecuring perſonal liberty, regulating and advancing trade, and eſpecially for retrieving the loſſes, and promoting the intereſts of the African and Indian companies. He alſo promiſed to encourage manufactures, and aſſent to whatever elſe ſhould be offered for

The king's letter to the Parliament.

clearing

' clearing and ſecuring property, ſtrengthening and facilita- Will. III.
' ting the adminiſtration of juſtice, reſtraining and puniſhing 1700.
' crimes, preſerving peace and quietneſs, &c. He next aſ-
' ſured them of his great concern, for not being able to aſſert
' the company's right of eſtabliſhing a colony at Darien,
' without diſturbing the peace of Chriſtendom, and bring-
' ing that ancient kingdom into an inevitable war, without
' hopes of aſſiſtance. With theſe plain reaſons, he doubted
' not but they would be ſatisfied; and therefore, recommend-
' ing to them unanimity, and the raiſing of competent taxes
' for their defence, he concluded, with only acquainting
' them further, that he had thought fit to continue the duke
' of Queenſberry high commiſſioner; and bid them heartily
' farewel.'

It muſt be obſerved, that, during the interval between the two ſeſſions of parliament, came the news to Scotland of the intire ſurrender of their ſettlement at Darien (a). This occaſioned the company to repreſent to the parliament, the firſt day of their ſeſſion, 'That, for want of due protection
' abroad, ſome perſons had been encouraged to break in upon
' their privileges even at home.' This repreſentation was ſeconded with a national addreſs to the king upon that ſubject, whoſe anſwer was, 'That he could not take further notice of
' it, ſince the parliament was now met; and he had made a
' declaration of his mind for the good of his people, with
' which he hoped all his faithful ſubjects would be ſa-
' tisfied.'

Though people were in ſo bad a humour, that much practice was neceſſary to bring them into any temper, yet, after ſome heats about the miſcarriage of the Darien affair, the ſeſſion, in concluſion, ended well. After having ſate about three months, the parliament came to this reſolution; 'That in
' conſideration of this great deliverance by his majeſty, and,
' in that, next under God, their ſafety and happineſs de-

(a) The Spaniards had, ſome time before, ouſted the Scots, and retaken what the latter had poſſeſſed themſelves of by articles of capitulation, ſigned by Mr. Gibſon, Mr. Vetch, and others, of the Caledonian council and ſettlement; which were, ' 1. That the Scots ſhould have ' liberty to retire, with their ſhips and effects, unmoleſted. ' 2. That the priſoners on both ſides ſhould be exchanged. ' 3. That, if any ſhips came ' thither in ſix months, they ' ſhould have leave to anchor ' in the harbour, and the privilege of wood, water, and proviſions, if they needed ' them.' Thus ended the affair of Darien.

pended

Will. III. 1700. 'pended wholly on his preſervation, and that of his govern-'ment, they would ſupport both to the utmoſt of their 'power, and maintain ſuch forces as ſhould be requiſite for 'thoſe ends.' Accordingly an act paſſed for keeping on foot three thouſand men, till the 1ſt of December 1702, and another for a land-tax to maintain thoſe troops; which done, the commiſſioner produced the king's letter, wherein it was deſired he might have eleven hundred men on his own account to the 1ſt of June following; which was readily complied with, and then they were prorogued to the 6th of May. The troops, that were ordered to be broke, were ſent to the States, who were now increaſing their force. This ſeſſion was chiefly managed by the duke of Queenſberry and the earl of Argyle, and, in reward of it, the one had a garter, and the other was made a duke.

The death of the king of Spain. Burnet. Cole.

In October the pope died; and at the ſame time all Europe was alarmed with the deſperate ſtate of the king of Spain's health. When the news came to the court of France, that he was in the laſt agony, monſieur de Torcy, the French ſecretary of ſtate, was ſent to the earl of Mancheſter, the Engliſh ambaſſador there, deſiring him to let the king his maſter know the news, and to ſignify to him, that the French king hoped, that he would put all things in readineſs to execute the treaty of partition, in caſe it ſhould be oppoſed; and, in his whole diſcourſe, he expreſſed a fixed reſolution... the French council to adhere to it. A few days after that, the news came of the king of Spain's death, and of his will, declaring the duke of Anjou, ſecond ſon of the Dauphin, the univerſal heir of the Spaniſh monarchy; and, in caſe that duke ſhould die without children, or ſhould inherit the crown of France, then the whole Spaniſh monarchy ſhould go to the duke of Berry; and, if the ſame ſhould happen to him, then the archduke Charles and his heirs were to inherit; and that monarchy was at laſt limited to the duke of Savoy and his heirs. The will likewiſe recommended, that the duke of Anjou ſhould marry one of the archduchеſſes. It is not yet certainly known by what means this was brought about, and how the king of Spain was drawn to conſent to the will, or whether it was a mere forgery, made by cardinal Portocarrero, and ſome of the grandees, who partly by practice and corruption, and partly for ſafety, and that their monarchy might be kept intire (they imagining, that the power of France was far ſuperior to all, and that the houſe of Auſtria would not be able to engage in its intereſts) had been prevailed on to prepare and publiſh this will; and, to make

Nov. 1. N. S. Dated Octob. 2.

it

it more acceptable to the Spaniards, among other forfeitures of the crown, not only the ſucceſſor's departing from what they call the Catholic faith, but even his not maintaining the immaculate conception of the Virgin, was one (b). Will. III. 1700.

As

(b) The circumſtances of the death and will of the king of Spain, will appear from the following extracts of M. Cole's Memoirs.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Octob. 9, 1700.

I am of opinion, that we ſhall now ſoon ſee matters of great importance tranſacted all over Europe; becauſe it is expected, that, in a few days, we ſhall hear, that the king of Spain is dead. They have, at court, received a courier from Madrid; and on the 26th of September, the king was ſo ill, he having continual vomitings, and a great looſeneſs, that his phyſicians believed he could not live a week. Laſt night, late, the emperor's envoy was with me, who had juſt received news of the 30th, by an expreſs. His letters mention, That the king had received the ſacrament, the extreme unction, &c. and that he had taken leave of the queen, &c. ſo they deſpaired of his life: But, on the day this was wrote, there was ſome little hopes of him, his looſeneſs having abated. He told me, he was then going to Fontainebleau. It is certain, that the whole council of Spain, and every thoſe, that were creatures of the queen, who is entirely for the houſe of Auſtria, are all for the duke of Anjou. They flatter themſelves, that the French king will accept this offer. I hope the emperor before it is too late, will ſee it his intereſt to ſign the treaty.

The earl of Mancheſter to the earl of Jerſey.

Paris, Octob. 11, 1700.

Monſieur de Torcy told me, That they had an expreſs from Spain, with letters of the 26th of laſt month; and that the king of Spain was ſo extreme ill, that his phyſicians thought he could not live eight days. That, thereupon, they had diſpatched a courier to monſieur de Villars, with orders to acquaint the emperor with it, and to let him know, That, as they had not yet named a ſucceſſor, ſo it would be neceſſary to know his further reſolutions, ſince the caſe might ſoon happen, which would oblige them to take ſuch meaſures, as would be proper, in caſe the emperor did not think fit to ſign the treaty. Monſieur de Torcy made an excuſe, that the time did not permit the firſt concerting with the king; that, elſe, it would have been done; though he did not ſee any difficulty, but that his majeſty would approve of it. He deſired I would write; which I aſſured him I would not fail to do: And then I took notice of the augmentation of their forces, which will amount to

twenty-

Will. III. 1700. As ſoon as the news came to Rome, it quickened the intrigues of the conclave, ſo they ſet up cardinal Albano, a man

Clement XI. choſen pope.

twenty-ſix thouſand foot. There is to be alſo one of the horſe; but the number is not yet declared. I ſaid, That I heard, that monſieur de Neſmond was to remain at Cadiz. He ſaid, As to the firſt, that, as affairs ſtood, it was convenient; but, as for the latter, monſieur de Neſmond had orders to return to Toulon. There was alſo a courier ſent to monſieur de Tallard, who will already have informed you of all this matter. I returned to Paris the ſame day; where I found the emperor's envoy at my houſe. He had received a courier from Madrid of the 30th; which confirms the ſame news of the king; but ſays much more, that he had received the ſacraments, and had taken leave of the queen, &c. That all about him took it for granted, he could not live; Yet, in a poſtſcript they write, That that night they had ſome little hopes, his looſeneſs, which had been very violent, had been abated. He went ſtrait to Fontainebleau, and is very uneaſy, and the more ſo, becauſe all of the council of Spain are entirely for the duke of Anjou: Cardinal Portocarrero and count Aguilar, who were in the queen's intereſt, being alſo for it; and they flatter themſelves, that the offer will be accepted with France. There is no courier arrived ſince; though, at this place, the only diſcourſe is, that the king of Spain is dead. I am of opinion, that we ſhall ſoon hear it. I hope your lordſhip will ſend me what directions his majeſty thinks proper, in caſe this ſhould happen, that I may act accordingly.

Monſieur Schonenberg to the earl of Mancheſter.

Madrid, Octob. 21, 1700.

It ſeems, that the 8th has been the day we call, here, critical in ſickneſs, becauſe that was properly the time, that the king gave probable proofs of mending. In effect, his looſeneſs is ſo much abated, ſince that time, that his health is grown better, daily; ſo that, if no relapſe, or unforeſeen accident, comes acroſs, the phyſicians judge, unanimouſly, that he is abſolutely out of danger. In the mean while, his majeſty ſuffered himſelf to be perſuaded, when he was in the higheſt of his illneſs, that is, on the 3d inſtant, to ſign a teſtamentary diſpoſition, in favour of the ſecond ſon of the Dauphin: But, ſince he is better, he ſhews ſuch indignation againſt thoſe, who, under pretence of conſcience, perſuaded him to make this ſtep, that he is grown diſſident of all his miniſters; inſomuch that he has even recalled the power given to the ſecretary of ſtate, for the univerſal diſpatches, relating to the moſt preſſing affairs; which he had truſted, during the greateſt violence of his illneſs, to three or four counſellors of ſtate, in conjunction with the ſaid ſecretary, his majeſty not thinking it proper to conſide

man of fifty-two years of age; who, beyond all men's expectation, was choſen pope, and took the name of Clement. Will. III. 1700.

conſide in thoſe who inſpired him with a reſolution to make a will.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Octob. 22, 1700.

We have this day letters from Madrid of the 8th, by the ordinary poſt. The Spaniſh ambaſſador has one, of the 9th; and his 'depeche' is ſigned by the king himſelf, as ſeveral others were, that are ſent into Italy. I ſuppoſe, this was done, to convince them, the more, that he was in a way of recovery: But you will find, by the incloſed, that there is little hopes of it. We have had no courier, of late, and, ſince that time, would have come, in caſe of any alteration. That, which occaſions the greateſt diſcourſe, is, his will; which he ſigned on the 3d. By all the letters, it is thought in favour of one of the princes of France; and, as to the perſons concerned, and, who were witneſſes to it, it is certain, they have been ever that way diſpoſed, to prevent their monarchy's being diſmembered. Some letters do alſo ſay, That, ſince that, the queen has prevailed with him to add a codicil: That ſome, that were named for the regency, are changed; at laſt, the queen ſeemed, after that, very eaſy. In ſhort, theſe are all conjectures; and I am of opinion, that it will not be known, what it contains, till the king's death.

The emperor's envoy is gone to Paris, to meet count Averſberg, in his way to Spain, who, it is believed, had ſome further inſtructions; and, it may be, in caſe the king of Spain was dead, the emperor has given orders to declare, he accepts the treaty, though with ſome alterations. I cannot but think, that he has no other way to take, unleſs he has a mind to loſe the whole. We ſhall, now, ſoon ſee, how our parliament will behave in this affair.

Mr. Stanhope to the earl of Mancheſter.

Hague, Octob. 22, 1700.

The king arrived here laſt night — His majeſty queſtioned me this morning what news of the king of Spain. I had not then received your advices, but anſwered him to the ſame purpoſe, by what don Quiros had communicated to me. He intends to imbark for England on Wedneſday next, if wind and weather permit; though it is probable, an expreſs, with what we hear from Spain, may keep him here ſome days longer, that being the important affair now on foot in Europe; yet whether in order to that, his majeſty's preſence here, or in England, be of greater concern, I ſhall ſubmit to greater ſtateſmen to determine. Don Quiros ſets a good face on a bad game; ſays the 'militias' of Spain, in the memory of men, made the prince of Condé, as great a captain

Will. III. 1700. ment XI. He had little practice in affairs, but was very learned; and in ſo critical a time, it ſeems, a pope of courage

tain as the marquis d'Harcourt, raiſe the ſiege of Fontarabia with diſhonour, though he had fifty thouſand men all regular troops; and he promiſes himſelf no leſs bravery from the preſent Spaniards in a cauſe, where their honour, as well as their monarchy, is at ſtake. This way of reaſoning ſeems to us very extraordinary; and I am obliged at the ſame time to do him juſtice, in ſaying he has as little of that rodomontade humour as any of his countrymen I have ever known.

Monſieur Schonenberg to the earl of Mancheſter.

Madrid, Octob. 22, 1700.

After having ſent my diſpatches of the 21ſt inſtant to the poſt, I juſt now learn, that the Catholic king, angry at thoſe, who were preſent at the ſigning of the former will in favour of a ſecond ſon of the Dauphin, made them all come before his royal perſon, and he has ſigned another will, that was cloſed up. Some ſay, that it was only a codicil relating to the firſt teſtamentary diſpoſition, &c.

The earl of Mancheſter to the earl of Jerſey.

Fontainebleau, Octob. 24, 1700.

We have been expecting every day to hear the death of the king of Spain; but your lordſhip will ſee by the incloſed, that he is rather better, it being the beſt account that is come. I have had none from Mr. Schonenberg this poſt, which I wonder at. The Spaniſh ambaſſador has a letter ſigned by the king himſelf, as others were that went into Italy. Notwithſtanding all this, monſieur d'Harcourt ſet out yeſterday for Catalonia, and the troops are marching on that ſide. Monſieur la Pratra, chief engineer under monſieur de Vaubon, went ſome days before. The emperor's envoy is gone to Paris to meet count Averſberg in his way to Spain. I found by him, that he was in hopes to have ſome further inſtructions. I do not know what they mean at Vienna, for all letters do agree, that the will, which the king of Spain has made, is in favour of a prince of France for the whole ſucceſſion. Whether we ſhall agree to that, is another queſtion, if France was willing to accept of it. I ſuppoſe you have had work enough with the count de la Tour. His maſter would fain find his account in this affair, as I perceive by his miniſter; and the common report is, that he would give Savoy to France in lieu of Naples, which they will hardly perſuade them to with all their rhetoric.

[While king William was at Loo, the count de la Tour, the duke of Savoy's miniſter, came with a ſecret commiſſion from his maſter. Don Bernardo de Quiros imagined it was to try to

rage and ſpirit, not ſunk with age into covetouſneſs or peeviſhneſs, was thought the fitteſt perſon for that ſee. 1700.

France

to get the duke named in the room of archduke Charles. But the truth was, that the duke, having learnt by the treaty of partition, that he had no part in it, thought to reap ſome advantage from thence. For this reaſon, he had ſent la Tour to the court of France to complain; as he did, that, notwithſtanding his conſanguinity, the moſt Chriſtian king had done nothing for him. At the ſame time, la Tour made a propoſition, with an offer, if it was accepted, that the duke ſhould guaranty the treaty. The propoſition was, that the duke would reſign to France the duchy of Savoy, with all its pretenſions, in exchange for the kingdom of Naples. The anſwer of the French courtiers was, that his propoſition ſhould be conſidered, but it muſt alſo be laid before the other allies, England and Holland. This la Tour did, but without ſucceſs. One of the principal reaſons of its being rejected by king William and the States, was, that the king of France having Savoy, with all its pretenſions, juſt and unjuſt, he would be better able to aſſert them than the duke; and, by that means, Geneva and the country of Vaca, where the Proteſtant religion is profeſſed, might be in danger. Beſides, it was not diſagreeable to give the duke ſome mortification, for having, after his peace with France, cauſed a ſpeech to be made to king James, which ſeemed directly contrary to that which la Tour had made at London, upon the king's advancement to the throne. Lambert; Vol. I. p. 120.]

Mr. Sutton to the earl of Manchester.

Vienna, Octob. 26, 1700.

There is no anſwer given to the new invitation made by the contracting parties to the emperor to come into the treaty of diviſion, before which it cannot be ſaid poſitively what his imperial majeſty will conclude upon. Your excellency judges very juſtly, that it appears to be his intereſt to accept the offer, when the condition of his affairs is conſidered; but his having refuſed it before, and the king of Spain being in ſome meaſure recovered, makes it probable, that he will anſwer again in the negative. Nevertheleſs it is inviſible what meaſures are taken to fence off the blow. It is true, there have been many conſultations, but either nothing is concluded in them, or no concluſion executed. And yet one ſees very little emotion in the imperial family at the alarming news of the king of Spain's deſperate illneſs, which would perſuade one, that they very deſervedly expected another miracle to be wrought in their favour. If the offer be made them after the king of Spain's death, perhaps the feeling themſelves evidently unable to withſtand the execution of the treaty may force them to yield to it, though

their

Will. III. 1700. France had ſent no excluſion to preclude him, not imagining he could be thought on. At firſt, the French court did not ſeem

their averſion to it be ſo great, that it muſt be a great ſtreſs to bring them to it. They have rather choſen hitherto to abandon themſelves to providence and chance. They ſeem to flatter themſelves, that their ſteadineſs will make ſome impreſſion, and procure them fairer offers. The duchy of Milan, the marquiſate of Final, and the Stato delli Preſidii, would in all likelihood buy their conſent; and they would rejoice heartily at the bottom to ſee them added to the archduke's ſhare, to which they would join themſelves the duchy of Mantua after the duke's death. I am afraid they are not likely to be gratified in their deſire; but they ſeem to think, that, rather than enter into a chargeable war, his moſt Chriſtian majeſty will enlarge their portion. Your lordſhip will be more eaſily and better informed, than I, of what diſpoſition there may be hitherto.

Your excellency will obſerve by the following account, in what condition this court is to purſue the execution of the treaty. They have diſcourſed a good while of remounting and recruiting their troops, and give out, that they have money ready for it. I can ſcarce believe, they have money ſufficient for remounting according to their own reckoning, and a great part of the colonels will not undertake the work at the rates the court offers. Yet it is ſaid, that aſſignations are delivered to ſome of them. Their troops would amount to ſeventy thouſand men, if they were complete; but they are far from it, and the cavalry half diſmounted. They cannot diſpenſe themſelves from having near thirty thouſand men in Hungary and Tranſilvania. Their places upon the Rhine are very thinly garriſoned, and will never be well furniſhed or repaired, though there be ſome artillery paſſed by from Buda towards Briſac. They have no forces near Italy, and very few within a great diſtance of it in quarters. The emperor is between twenty and thirty millions of florins in debt, and pays extravagant intereſt. It has been diſcourſed, that the hereditary countries would take the payment of the debts upon them. I do not find any certainty thereof; but, if it ſhould happen, there muſt be a term of years allowed for it, and they will ſcarce be able to give the emperor any further aid. The chamber of finances is in ſo bad a reputation, that they have no credit, and have had much ado for a long time to ſupply the emperor's neceſſities. I do not hear of any recruits, that are yet making, though I hearken after it; but perad venture in two months they may begin to make them, and they muſt begin ſome time, otherwiſe they will ſhortly have no troops at all. In fine, my lord, it is apparent, that, whenever the king of Spain comes to die, this court will be found unprepared to make any great reſiſtance, as I believe

ſeem pleaſed with the choice, but it was too late to oppoſe it; and therefore they reſolved to gain him to their intereſts, in which they ſucceeded beyond what they then hoped for. Will. III. 1700.

When

believe any body, that is acquainted with the preſent conſtitution thereof, would eaſily own. But they will preſume things cannot go worſe for them, than according to the diſpoſition of the treaty. They now hold daily conferences: We ſhall ſhortly ſee the reſult of them. I have aſked audience three days together; and cannot yet have the honour to have one to deliver the king's orders.

The earl of Manchester to the earl of Jerſey.

Paris, Nov. 3, 1700.

Before I left Fontainebleau, I was with monſieur de Torcy, who, I find, is well ſatisfied with the proceedings in Holland. I muſt own, that, during my ſtay there, the king took all occaſions to oblige me. You know already, that monſieur Calliere is gone to the duke of Lorrain. The duke of Savoy has declared, that he will not act againſt the treaty. His ambaſſador here is now more in hopes than ever, that his maſter will have ſome advantage in the 'partage;' but I found by monſieur de Torcy, that the French king was ſatisfied with the diviſion already made, and yet he would conſent to any reaſonable alteration, if that was to make the king, our maſter, eaſy. This was meant in relation to our trade in the Levant; and, I ſuppoſe, that monſieur de Tallard has already told you as much. He arrived here on Monday, late at night; and, the next morning, I was to wait on him. He expreſſed a great ſenſe of the king's favours to him: That he was juſt going to Fontainebleau, to give the king, his maſter, all the aſſurances imaginable of the friendſhip of the king, and of the ſtates-general; which he could do with great truth. In ſhort, he ſeemed extremely pleaſed.

The earl of Manchester to Mr. ſecretary Vernon.

Paris, Nov. 3, 1700.

Here are letters from Madrid of the 22d paſt, by an expreſs; which ſay, That, on the 21ſt, the king of Spain made a new will, in favour of the archduke: That he called on thoſe, that were preſent, and had perſuaded him, in his ſickneſs, to make the former in favour of the ſecond ſon of the Dauphin; and ſhewed a very great diſlike to what they had done, ſigning, in their preſence, another. This laſt action has ſtill increaſed the factions and diſcontents here.

Mr. Methuen to the earl of Manchester.

Liſbon, Nov. 4, 1700.

The 13th of the laſt month I received by an expreſs, which came from Paris to the French ambaſſador, his majeſty's commands to propoſe to the king of Portugal the forms or projects of

Will. III. 1700.

When the court of France had notice ſent them of the king of Spain's will, real or pretended, they ſeemed to be at a ſtand for ſome days; and the letters wrote from the ſecretary's office gave it out for certain, that the king would adhere to the partition treaty. But madam de Maintenon had an unſpeakable fondneſs for the duke of Anjou; ſhe therefore prevailed with the Dauphin to accept of the will, and ſet aſide the treaty; and ſhe engaged monſieur de Pontchartrain

The king of Spain's will is accepted. Burnet.

the two acts of acceſſion and admiſſion, for his being comprehended in the guaranty of the treaty of repartition, that of acceſſion to be ſigned by the king of Portugal, and that of admiſſion by his majeſty. I have at laſt prevailed with the king of Portugal to ſign that of acceſſion, which will be ſent to England by the ſame expreſs, which carries this; ſo that the king of Portugal will be guarantee of the treaty for the diviſion of the Spaniſh monarchy, without any particular treaty or conveption with England or Holland for that purpoſe.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Nov. 6, 1700.

The account we have from Fontainebleau is, that the king of Spain is very weak, and extreme ill again, and not like to live any time. The laſt will, which he made, and which I have already given you an account of, is kept here as a very great ſecret, and there is no mention made of it at court, though I am ſatisfied it was the occaſion of ſending an expreſs. There may be reaſons for concealing it till they ſee what the emperor will do.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Nov. 9, 1700.

We have now news that the king of Spain died the 1ſt inſtant between two and three of the clock in the afternoon, which the incloſed will inform his majeſty of. The cardinal Portocarrero was declared, by a commiſſion under the privy ſeal, chief governor during his illneſs; and, by the teſtament, which they have ſince opened, he is continued. He ſent monſieur de Ulecourt a copy. The ſubſtance of it is, That whereas the king of Spain was ſatisfied, that the intention and deſign of the renunciation, which the late queen of France, &c. made, was only in order to prevent the union of the two monarchies in one perſon; and whereas the Dauphin has ſeveral ſons, to whom in conſcience the ſucceſſion does belong; he does therefore appoint and declare the duke of Anjou his heir. In caſe he ſhould die without children, or inherit the crown of France, then to the duke of Berry, and, if the ſame ſhould happen to him, then to the archduke and his heirs: and he limits it at laſt to the duke of Savoy and his heirs. He does alſo recommend

to

train to second this. They being thus prepared, when the news of the king of Spain's death came to Fontainebleau, where the court was at that time, a cabinet council was called within two hours after, which met in madam de Maintenon's lodgings, and sat about three hours. Pontchartrain was for accepting the will, and the rest of the ministry for adhering to the treaty. But the Dauphin joined, for accepting the will, with an air of positiveness, that he had never assumed before; so that it was believed to be done by concert with the king, who was reserved and seemed more inclined to the treaty. In conclusion, madam de Maintenon said, What had the duke of Anjou done, to provoke the king to bar him of his right to that succession? And upon this all submitted to the Dauphin's opinion, and the king seemed overcome with their reasons. Will. III. 1700.

Though the matter was resolved on, yet it was not published till five days after. For then the French king, sending for the duke of Anjou into his closet, said to him in the presence of the marquis des Rios: 'Sir, the king of Spain has 'made you king. The grandees demand you, the people 'wish for you, and I give my consent. Remember only you 'are a prince of France.' But I recommend to you to love 'your people, to gain their affection by the lenity of your 'government, and render yourself worthy of the throne you 'are going to mount.' All the princes of the blood came The duke of Anjou declared king of Spain. Nov. 16. N. S. Lambert, I. 235.

to the emperor and the king of France a marriage between the duke of Anjou and one of the archduchesses, in order to keep up the same good understanding, that is at present.

The queen finding, that she had no part in the government, is fallen very ill. I waited upon monsieur de Torcy, who gave me an account of these matters, and I did endeavour to learn what measures they intended to take. The king ordered a council immediately, and I believe you will soon see monsieur de Tallard. I can see they are very well pleased here with all these circumstances; and, what effect they will have, time must show; though I am of opinion, that they will keep firm to the treaty, as that is most for their advantage.

Monsieur Zinzendorf assures me, that he has no private directions concerning the emperor's accepting the treaty, in case of the news of the death of the king of Spain, as it was thought. I have had some discourse with him, and he is satisfied now, that there is no other party for the emperor to take, and he does intend to write as much. He is very apprehensive lest France should now press the naming of another, as by treaty they may, the time being elapsed.

Will. III. 1700. to congratulate the new king; but, however, the duke of Orleans, the king of France's only brother, and his ſon the duke of Chartres, proteſted againſt the will, becauſe the archduke was put next in the ſucceſſion to the duke of Berry; whereas they alledged, that the duke of Orleans and his heirs ought to come before him, as younger ſon of Anne of Auſtria, whoſe renunciation could be of no more force than that of Maria-Tereſa. However, this was no obſtruction to the new king's ſetting out for Spain, which he accordingly did on the 4th of December, accompanied by his two brothers, who went with him as far as the frontiers of that kingdom (a).

The duke of Orleans and his ſon proteſt againſt the will. Ibid.

An

(a) This account may be compared with the following letter.

The earl of Mancheſter to the earl of Jerſey.

Paris, Nov 12, 1700.

I am juſt come from Fontainebleau, where I received yours of October 28, concerning the duke of Savoy; but I muſt now acquaint you, that there is an end of our treaty. This morning I was with monſieur de Torcy, who began with ſaying, That he did not doubt I was ſenſible, that ſince they had an account of the king of Spain's death, and the diſpoſition he had made by his will, great difficulties muſt have ariſen; That the king had well conſidered the occaſion and intent of the late treaty with England, &c. which was to prevent a war in Europe. That the emperor not having ſigned, and the duke of Savoy actually refuſing to accept of Naples and Sicily; that there having appeared diſcontentments both in England and Holland againſt the French being maſters of thoſe two kingdoms, in relation to the trade of the Levant; beſides that none of the princes, that the treaty has been communicated to, have promiſed more than a bare neutrality; the king could not but think there was a neceſſity of accepting what the will of the king of Spain declared in favour of the duke of Anjou. Then he read to me the motives, which he had drawn up, that I might the better inform his majeſty. I deſired he would let me take the copy, which I ſend your lordſhip; and moſt, that paſſed, is contained in it. You may eaſily imagine I had little to ſay, when he told me of the reſolution the king had taken. It is certain, that the proceedings of the emperor have put them in ſome meaſure on this neceſſity; for monſieur de Torcy obſerved to me, that, if the king had refuſed, the archduke had then a double title, viz. that of Philip IV. and that of the late king's will: And he could not tell but the Spaniſh ambaſſador had orders to ſend word to Vienna, that, the moment the emperor conſented to the treaty, the duke of Savoy had a good title;

An expreſs of the king of France's accepting the will being ſent to the count de Briord at the Hague, he immediately went to the penſionary, and, purſuant to the orders he had received, told him, that his maſter, having taken into conſideration the preſent ſituation of affairs, and ſeeing the emperor had not acceded to the treaty, nor but few of the northern

Will. III. 1700.

The king of France's reſolution notified to the States. Nov. 18. Lambert, I. 193.

title; and this humour is ſo well known, that we are ſure he would not let ſlip ſuch an opportunity; and then there muſt have been a war, not likely to be ſoon ended, whatever the ſucceſs would be: That the whole kingdom muſt be conquered, the Spaniards being intirely againſt dividing their monarchy. That the ſhips we and Holland were to furniſh, would not be ſufficient for ſuch a war; That it was very doubtful, whether England and Holland would engage themſelves in a greater expence; which muſt neceſſarily be the conſequence. That it was certain, that the treaty was more advantageous to France, and was what the king could have wiſhed. He then ended, ſaying, That the king hoped, that the ſtrength of theſe reaſons would ſo far prevail with the king, our maſter, that there might be ſtill the ſame good underſtanding as ever; which was ſo neceſſary for the good and quiet of Europe. I made no other anſwer, than that I would faithfully acquaint the king with what he ſaid to me, by order, on this ſubject. I only aſked him, If I might have a copy of the will. He ſaid, he would firſt aſk the king, and then ſend it me. It will now, be ſeen public. I have already acquainted Mr. ſecretary Vernon with the ſubſtance of it; but, for fear my ſervant, whom I diſpatched on the 9th, ſhould not be arrived, I now repeat, that the diſpoſition of the will is in favour of the duke of Anjou, and his heirs, &c.

The account of the king of Spain's death came on Tueſday, the 9th, about one o'clock in the afternoon; and, at three, there was a council in madam de Maintenon's lodgings; at which ſhe was preſent, with the chancellor, the duke de Beauvillier, and monſieur de Torcy. The Dauphin was out a hunting. The next morning, there was another council, in the ſame manner, when the Dauphin was preſent. Monſieur Blecourt had ſent a copy of the will, which the regents had given him. On the 10th, the Spaniſh ambaſſador received a courier, with orders to notify the king's death. He had a letter alſo for this king, ſigned by the regents; and the queen's name was firſt. He went ſtrait to monſieur de Torcy; and, that night, there was another council, where the matter was determined, as I ſuppoſe. On the 11th the Spaniſh ambaſſador had a private audience, when the will was read all over, to the king; who declared, he accepted it. Soon after this, the Spaniſh ambaſſador ſent a courier for Spain; and there is no doubt, but he ſoon

Will. III. 1700. thern princes, and that the king of England was uneaſy at Sicily being in the hands of the French, he had, after two days

ſoon as he arrives, the duke of of Anjou will be proclaimed. I did perceive, that this would be their reſolution; but monſieur de Torcy did not explain himſelf to me, till this morning. The king will not declare it till on Monday next, when he will be at Verſailles; and, I believe, the duke of Anjou will, ſoon after that, go for Spain. Monſieur de Tallard deſired me to let you know, That he ſhould have ſent the account of the king of Spain's death, as he promiſed; but that I did. He tells me, he has orders to be ready; and ſays, he ſhall ſoon be in England. I think, he ought to go. As to what is to be judged at this court, by their looks, I did perceive, that, the moment this reſolution was taken, the king was very civil; but looked always much concerned, whenever I came near him.

It is, without diſpute, by the queen's ſigning, that ſhe has been all along in the French intereſt, whatever ſhe ſeemed to the emperor's miniſter. And, if the preſent poſture of affairs is conſidered, as ſhe was hated by all, this was the only way to ſave herſelf; and it was ſo managed, that, in June laſt, the king of Spain ſigned a will in favour of the archduke; which was ſent to Vienna. That made the emperor proceed as he did. Beſides, they have never obliged her in any thing ſhe deſired. The king of Spain cancelled that, and made this on the 2d of October. Monſieur Zinzendorf told me this in diſcourſe; and he would not believe what he ſees, now, to be poſſible; though he does not yet know, that the French king has accepted the will.

I cannot tell what reſolution the king will take; and I am far from giving any opinion, though, if your lordſhip will permit me, I cannot ſee but we muſt acquieſce. You are ſenſible of the poſture of our affairs, and of the diſcontent there was in England againſt the treaty, inſomuch that my lord Portland, and all, that were concerned in it, were the next ſeſſions to be ſacrificed, if poſſible. I am ſatisfied, that this was the deſign; whether the parliament will approve of it, is what I cannot ſay. I muſt deſire of your lordſhip, that you ſend my inſtructions in French, eſpecially if I am to have an audience of the king, that ſo I may make uſe of the ſame expreſſions, which I will punctually obſerve. This is ſo nice a matter, and of ſo great a conſequence, that you will forgive me, when I deſire it.

It is obſervable, that, not long after the king of France's accepting the will, he cauſed letters patents to be regiſtered in the parliament of Paris, to preſerve to the king of Spain, his grandſon, his right to the crown of France, in caſe the duke of Burgundy, his elder brother, died without heirs. Theſe letters were given in December; but were not ſealed till January, nor regiſtered till the 1ſt of February. They were, ſays Lam-

days mature deliberation, reſolved to yield to the deſires of the Spaniards, and give them the duke of Anjou for king. My maſter (added he) is very ſenſible he ſhall be a great loſer by it; but he had rather renounce the advantages which would accrue to his crown by the treaty of partition, than give occaſion for a war to the diſturbance of all Europe; and therefore hopes his reſolution will be approved, as being conducive to the public tranquillity. The penſionary was ſtruck with this, and made ſtrong but fruitleſs remonſtrances againſt it to count Briord. The reaſon of the count's ſpeaking of king William's uneaſineſs about Sicily, was, becauſe the king, before his departure for England, had propoſed the giving it to the elector of Bavaria, for fear (ſaid Briord) the parliament might be diſguſted, if it remained to France, on account of the Levant trade, which might be obſtructed by it. Will. III. 1700.

The day after the notification, the States-general met earlier than uſual to conſider of it, but came to no reſolution, becauſe they wanted to know king William's intentions. However, after many conſultations, they ſent orders to Heemſkerke, their ambaſſador at Paris, to repreſent it in a memorial, that they did not expect the reſolution which his moſt Chriſtian majeſty had taken of accepting the king of Spain's will, contrary to the late treaty; and hoped, that as the time for the emperor's acceding was not yet expired, and as they had, upon news of the king of Spain's death, renewed their inſtances to him, his majeſty would take the matter into conſideration again, and adhere to the treaty in every article. To this memorial a very long anſwer was ſent to the States, which was alſo diſpatched with the king of France's reſolution to all the courts of Europe, the ſubſtance whereof was, That the king of France conſidered chiefly what was the principal deſign of the treaty, namely, to maintain the peace of Europe; and therefore, to purſue this, he departed from the Words of the treaty, but adhered to the Spirit, and chief intent of it. This infamous excuſe, for ſo notorious a breach of faith, ſeemed to be an equivocation of ſo groſs a nature, that it looked like the invention of a Jeſuit confeſſor, adding impudence to perjury. With this anſwer the king of France ſent a letter to the States, wherein Their memorial upon it, Nov. 25. Ibid.

bert, (I. 388.) not only contrary to the renunciation of Maria-Thereſa, but may moreover, one day, occaſion diſputes, to ſet aſide the famous, but trifling renunciations, made at the peace of Utrecht.

Will. III. 1700. he told them, that the peace of Europe was ſo firmly eſtabliſhed by the king of Spain's will in favour of his grandſon, that he did not doubt their approbation of his acceſſion to the Spaniſh crown. To this letter the States did not return an anſwer till the 8th of December, wherein they hoped, that his majeſty would conſider, that they could not immediately declare upon an affair of ſo great moment, without conſulting their reſpective provinces. Beſides, it was a matter which concerned in common both themſelves and his Britannic majeſty, and conſequently they could not act without his concurrence. This letter being delivered to the king of France by monſieur Heemſkerke, he replied, That the States did well to wait for the reſolution of their provinces, according to the conſtitution of their government, and hoped their reſolution would be agreeable to his wiſhes. In the mean time, he ſhould be ready to concur in whatever the States ſhould deſire, for the ſecurity of the Spaniſh Netherlands.

Theſe fair words were by no means ſatisfactory to the States, eſpecially when they conſidered the haughty expreſſions in the long anſwer, not fit to be uſed to a ſovereign ſtate. Soon after don Bernardo, the Spaniſh ambaſſador, received a letter from the new king for the States, dated December 18, at Poictiers. When this letter was offered to the States, the preſident of the week made ſome ſcruple to receive it, and deſired the ambaſſador to ſtay a few days before he delivered it. But, being told that it was ordered to be immediately preſented, the preſident received it, adding, that it muſt not be thought ſtrange, if the States did not anſwer it ſo ſoon as expected (b).

The Spaniards throw themſelves into the hands of the French. Burnet.

During theſe tranſactions at the Hague, the Spaniards ſeeing themſelves threatened with a war from the emperor, who declared againſt both the treaty and will, and apprehending

(b) While the States were thus delaying to declare themſelves, an accident happened, by which they gained ſome time. Briord, after a public audience, having invited to dinner, according to cuſtom, ſome of the members of the States-general, and the entertainment laſting a good while, he wanted to make water. But thinking it uncivil to riſe from table on that account, he brought upon himſelf a ſtoppage of urine, which was like to have killed him. Surgeons were ſent for from Amſterdam, but, the indiſpoſition continuing, an expreſs was diſpatched to Verſailles, and count d'Avaux was ſent to carry on the negotiations. However, by this means above a month was gained, for d'Avaux did not come till Feb. 6, N. S.

that

that the empire, together with England and the United Provinces, might be engaged to join in the war, and being unable to defend themſelves, delivered all into the hands of France. And upon that, both the Spaniſh Netherlands, and the duchy of Milan, received French garriſons; the French fleet came to Cadiz; a ſquadron was alſo ſent to the Weſt-Indies; ſo that the whole Spaniſh empire fell now, without a ſtroke of the ſword, into the French power. All this was the more formidable, becauſe the duke of Burgundy had then no children; and, by this means, the king of Spain was in time likely to ſucceed to the crown of France. And thus the world ſaw the appearance of a new univerſal monarchy, like to ariſe out of this conjunction. Will. III. 1700.

The king of Spain wrote to all the courts of Europe, giving notice of his acceſſion to that crown; only he forgot England. And it was publickly given out, that he had promiſed the pretended prince of Wales, that, in due time, he would take care of his intereſts. The king and the States-general were much alarmed, when they beheld the French poſſeſſed of the Spaniſh Netherlands. A great part of the Dutch army lay ſcattered up and down in thoſe garriſons, more particularly in Luxemburg, Namur, and Mons; and theſe were now made priſoners of war. Neither officers nor ſoldiers could own the king of Spain, for their maſters had not yet done it. At this time, the French preſſed the States very hard to declare themſelves. A great party in the States were for owning him, at leaſt in form, till they could get their troops again into their own hands, according to capitulation. Nor were they then in a condition to reſiſt the impreſſion, that might have been made upon them from the garriſons in the Spaniſh Guelder, who could have attacked them before they were able to make head. The States therefore came to a reſolution of owning the king of Spain, and accordingly wrote a letter that ſame day to the French king for that purpoſe. This being done, their battalions were ſent back, but they were ill uſed, contrary to capitulation, and the ſoldiers were tempted to deſert their ſervice; yet very few could be prevailed on to do it. Great apprehenſion of the danger Europe was now in. Ibid. Cole. P. 318. Burnet, P. 257.

There was at this time a black appearance of a new and diſmal ſcene. France was now in poſſeſſion of a great empire, for a ſmall part of which they had been in wars (broke off indeed in intervals) for above two hundred years; while England, who ought to have protected and defended the reſt, was, by wretched factions and violent animoſities, running into a feeble and diſjointed ſtate. The king indeed, upon the news

Will. III. 1700. news of the French king's reſolution to accept the will, and recede from the treaty, was full of indignation to find himſelf ſo much abuſed, but he appeared quite the contrary. Inſomuch, that his cold and reſerved manner, upon ſo high a provocation, made ſome conclude, that he was in ſecret engagements with France; and that he was reſolved to own the new king of Spain, and not to engage in a new war (c). This

(c) The reader may ſee the progreſs of affairs in this remarkable period, in the following extract from Mr. Cole's Memoirs.

The earl of Mancheſter to Mr. ſecretary Vernon.

Count Zinzendorf had an audience of the king ſoon after the ceremony of declaring the duke of Anjou king of Spain. That was appointed before he knew of this. It was to acquaint the king, That the queen of the Romans was brought to bed of a prince. He made all the haſte he could to Paris, to let me know, that the duke of Anjou was declared. I fear, the emperor may thank himſelf; for it is probable, that he might have prevented it. He tells me, that he has news, by a courier, that the emperor's troops are marching for Italy; but I do not always rely upon his news. We ſhall ſoon hear, if it be ſo.

I aſſure you, there is great joy at St. Germain's. All the late king goes, this day, to wait on the duke of Anjou. I was, laſt night, at Monſieur's, who is at Paris, where I found lord Melfort; who gave himſelf other airs than he uſed to do.

I am juſt now told, That an offer is made to the elector of Bavaria, to continue in the government of the Netherlands, during his life; and that this new king of Spain will confirm it to him.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Novem. 20. 1700.

Since my laſt, there is another courier arrived to the Spaniſh ambaſſador, with the intire will; for, before, they had only an abſtract. There is alſo a codicil, which was added to the will, on the 21ſt of October; and relates only to the queen's dowry, which was but three hundred thouſand ducates, and, now, is in four. She has the choice of Naples, Milan, Sicily, or Flanders; where ſhe is to govern with a council; which the new king has power to appoint. There are ſome letters, which ſay, That count de Harrach, the emperor's miniſter, has made a proteſtation againſt the will, both as to the matter and manner; whereby he alledges, that the king's hand was guided.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Novem. 27. 1700.

My being at Fontainebleau was the reaſon of my being ſo ſoon informed of the intentions of

This ſeemed ſo different from his own inclinations, and from all the former parts of his life, that it made many conclude, that Will. III. 1700.

of the court. They could not well do otherwiſe than tell me; for, when we had the news of the king of Spain's death, I preſſed monſieur de Torcy to tell me what meaſures they would keep, in relation to the treaty. He anſwered me, from time to time, in a doubtful manner, which gave me reaſons to ſuſpect what was doing: So, at laſt, he had orders to acquaint me with it. Beſides, he ſaid, it was proper, that the king ſhould know it, otherwiſe, than by the publick news.

Mr. ſecretary Vernon to the earl of Manchoſter.

Whitehall, Nov. 18, 1700. O. S.

I have received your excellency's letter, of the 24th inſtant, N. S. and have laid it before his majeſty; but the king has not given me any thing in command, at preſent, to write to you. Their reſolutions are taken; therefore his majeſty may be allowed to conſider a little, what may be the conſequence of ſo ſudden a change in that court; as likewiſe to expect, what are the ſentiments of other princes and ſtates, who are equally concerned in the preſervation of the peace of Europe, and the preventing the balance of power from being broken, by the uniting too many dominions under any one prince; which was the juſt foundation of the late treaty. But, how does it yet appear, that the ſecurity of Europe is better provided for, by a prince of France being made king of Spain? Or, what care is taken to ſatisfy the world therein?

The earl of Manchoſter to Mr. ſecretary Vernon.

Paris, Decemb. 1, 1700.

I was very much in doubt about my going to Verſailles, till I received yours of the 4th inſtant, which determined me. I had a very good excuſe, becauſe all that go there now, have put their coaches in mourning, and mine are not yet done. They do already ſay at court, that, till I had orders to compliment the duke of Anjou, I do well not to appear there. I did find by the Dutch ambaſſador, who went yeſterday for an anſwer to a memorial he had given in by order of the States, that monſieur de Torcy did intimate to him as much, as from himſelf.

The duke of Anjou is to ſet out on Saturday next. I cannot tell but it may be deferred, and, if ſo, I ſhall be under ſome difficulties. Monſieur de Tallard was with me. He talks of going, but he has not yet no orders. I am ſtill of opinion, that you will not ſee him very ſoon, unleſs the king our maſter does ſignify his conſent to what has paſſed here.

The prince of Vaudemont has proclaimed the duke of Anjou, and has writ to the Spaniſh ambaſſador here to aſſure the new

Will. III. 1700. that he found himſelf in an ill ſtate of health, the ſwelling of his legs being much increaſed, and that this might have ſuch effects

new king of his fidelity, and he hopes he ſhall receive his orders before he goes for Spain, which he will punctually obſerve. The Savoy ambaſſador has received orders to compliment him on his acceſſion to the crown, which he did yeſterday. The emperor's envoy has no orders as yet; and they do here not ſeem to value what the emperor can do. I am nevertheleſs told for certain, that a marriage will be propoſed to the emperor for one of the archdueheſſes, according to the deſire of the late king of Spain, by his will. If that is not accepted, then they will marry him to a daughter of the duke of Savoy, who is about thirteen years old.

They begin to ſay here, that, as for Holland, if they are diſſatisfied, the king of Spain ought to bring them to obedience, as formerly belonging to that monarchy. And, if we diſpute, the little gentleman at St. Germain's is to be made uſe of. I wiſh that may not be the conſequence at laſt, though we ſhould act otherwiſe.

The earl of Mancheſter to Mr. Stanhope.

Paris, Dec. 3, 1700.

The duke of Anjou ſets out to-morrow for Spain——We hear as yet of no propoſals to make the Dutch ſecure; and I believe there is no thought of it, ſince they ſeem to ſay, that this will depend on Spain, and not on them. Monſieur de Bedmar has been here, and was at Marly. I am told, that the French king aſſured him, that, if there was occaſion for his aſſiſtance in Flanders, he would ſend what troops they deſired. I cannot think, that the elector of Bavaria will keep the government long, notwithſtanding what he has done, neither will the Dutch troops be permitted to ſtay there. Whatever propoſals will be made to the States, they will come from the French ambaſſador at the Hague, and I hope you will let me know what ſteps he makes——I fear that the affairs of Europe are in a very ill condition, and that in a few years France will be maſter of us all. There goes a report about Paris, that I have aſked an audience of the king, which he denied me, becauſe I did not acknowledge the duke of Anjou. You will do well to let every body know, that there is no ſuch thing, and that I have no orders of that nature. What I had to ſay was much the ſame with what the Dutch ambaſſador ſaid, and I only acquainted monſieur de Torcy with it, and did not give it in writing.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Dec. 4, 1700.

I take it for granted, that the duke of Anjou is to ſet out this morning.——I do intend to go to court on Tueſday next, and ſee what is doing.——I take all the care I can to behave myſelf as pru-

effects on his mind, as to make him leſs warm and active, leſs diſpoſed to involve himſelf in new troubles; and that he might Will. III. 1700.

prudently as is poſſible at this juncture, ſince all perſons eyes are upon me; which I conceive is right, whatever the king's reſolution may be at laſt. But it is impoſſible to prevent idle diſcourſes here. I ſuppoſe you will hear, that I had aſked an audience of the king, and was refuſed, by reaſon I had not complimented the new king of Spain. There was no ground for this; you know very well, that I had no occaſion of doing it, having received no orders of that nature: Yet I am of opinion, that this might poſſibly have happened, if I had, and that there will be ſoon a declaration, that thoſe miniſters, whoſe maſters do not own the duke of Anjou, will not be received here. Their way has always been to carry things high. Not that I think, that they are in a condition of doing it, were other princes united.

Yeſterday I received the incloſed from monſieur Schonenberg to the king. What he acquaints me with is not worth taking notice of; but I am told from other hands, that there are a great many Spaniards diſſatisfied, and who do not approve of the conduct of the regents. The queen does not come to the council; perhaps this is only, that the houſe of Auſtria may have a better opinion of her. The counte de Harrach has entered a proteſtation; as has alſo the pope's nuncio, in relation to Naples; and, his pretence is, that the king, dying without children, it reverts to the pope, as his fief. Both theſe proteſts I have ſent you, with the French king's letter, in anſwer to thoſe of the Spaniſh regents. The ſtyle is worth obſerving. I am told, that orders are given for a fleet to be ſet out. It is not yet known of what number of ſhips it is to conſiſt. Some of the forces, that were towards Bayonne, have orders to march this way.

The earl of Mancheſter, to Mr. ſecretary Vernon.

Paris, Dec. 8. 1700.

I can now aſſure you that monſieur de Tallard takes his leave of the king to-morrow, and will be ſoon in England. I did perceive by monſieur de Torcy, that he has a letter to the king; ſo that a little time will ſhew what we are to expect. I did not enter into diſcourſe on that ſubject, nor on the late proceedings of theirs; and it is to no purpoſe. The leſs, I ſay, the better, unleſs I do it by order. What aſſurance Europe will have of its ſecurity, I cannot tell, unleſs what they ſay here will be thought ſufficient, viz. that the French king will end his days in peace, and that his ambition is now ſatisfied. Here is arrived a courier from Madrid. The letters ſay, That they had proclaimed the duke of Anjou; and that there were ſhewn great expreſſions of joy in all parts. They have alſo the ſame account from Naples. We

ſhall

Will. III. might think it too inconſiderate a thing to enter into a new
1700. war, that was not likely to end ſoon, when he felt himſelf
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ſhall ſoon ſee what the emperor thinks of all this matter. It is certain this might have been prevented, if he had accepted the treaty. And, as it is, it may be very fatal to England, even without remedy. We are not united enough at home, to expect any good; and, I fear, that thoſe, that diſapproved of the late treaty, will ſoon have reaſon to wiſh it had took place. My being in France has not given me a better opinion of their ſincerity, or good inclination towards us: And I cannot ſee, let this matter turn which way it will, that there is any great occaſion for the king to be at the expence of an ambaſſador, here; neither do I, believe, that monſieur de Tallard will ſtay long with you.

Mr. Stanhope to the earl of Manchester.

Hague, Dec. 10, 1700.

A courier was laſt night diſpatched by the States to Paris, with their anſwer to the king's haughty letter. The anſwer contains, after ſuch thanks as he expects, that his majeſty knows very well the nature of their conſtitution to be ſuch, that they can take no new reſolutions, eſpecially in matters of this great importance, without communicating them firſt to their provinces; which they are more indiſpenſably obliged to obſerve in this caſe, becauſe the treaty of partage was in a moſt ſolemn manner communicated to, and approved, and ratified by, them; and therefore they cannot lay the treaty aſide, but with the ſame eſſential formalities it was made: That they would immediately communicate his majeſty's letter to their provinces, and hoped he would pleaſe to allow them ſo much time, as till they could know their minds about this weighty affair, ſeeing it was impoſſible for them to take any reſolution of themſelves. Something then was mentioned of the king, as their ſtadtholder, whom they muſt alſo conſult. The ſame in ſubſtance was ſent laſt night in writing by the States agent, both to the French and Spaniſh ambaſſadors here. This expedient will, probably, give them a little more time to conſider what they do. They ſeem to be grown much cooler, and more moderate, than they were at the firſt news, when they talked of nothing but war; and I am now verily perſuaded, the party acknowledging the new king, will, e'er long, prevail, by a great majority. One ſaid to me, to-day, They would have been pleaſed, if their ambaſſador at Paris had done it, tho' without orders; for then they had been at liberty to have owned or diſowned his action, according as they found it ſuit with their intereſt afterwards. The emperor's court makes a great noiſe, and talks of ſending an army into the Milaneſe early in the ſpring: but little is to be expected from a prince ſo abſolute, and whoſe finances are

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in a declining ſtate of health. But the true ſecret of this unaccountable behaviour in the king was ſoon diſcovered. Will. III. 1700.

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in ſo lamentable a diſorder; beſides that, the German name, by their barbarous actions in the laſt war in Italy, is become much more odious than the French; and, beſides that, their unreaſonable project, of reviving his antiquated pretenſions to the imperial fiefs, has made all theſe fear, and conſequently hate, the nation.

While things are in this uncertain condition between this State, and France, and Spain, nothing can be moved on either ſide about the Dutch troops in Flanders. It would be moſt natural to expect the propoſals from the French, rather than Spain; becauſe they are jealous of the French, and not of Spain: but, in diſcourſe with the French ambaſſador on the ſubject, he told me, If theſe people had any thing to move concerning it, they ought to addreſs themſelves to the king of Spain; for it no way concerned the king, his maſter.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Dec. 11, 1700.

I cannot tell from whence they have, at St. Germain's, an apprehenſion, that the prince of Wales will be carried away into England, with his own conſent; and, upon this, they have increaſed his guards: whereas, formerly, he had ſix, he has now fourteen. They think their game ſo very ſure, that there is no occaſion he ſhould make ſuch a ſtep. Beſides, the changing of his religion will never be ſuffered; and they have lately declared, That they would rather ſee him dead.

Juſt as I had wrote this letter, count Zinzendorf came to me; and told me, He had received orders to go to court, now the duke of Anjou is gone, as he uſed to do. He is to repreſent to monſieur de Torcy, the right the emperor conceives he has to the crown of Spain. He alſo tells me, That the count de Goes, at the Hague, has full inſtructions; and that there is an envoy named for England, who will be ſoon there. In ſhort, I do perceive the emperor is willing, now, to do any thing the king ſhall like.—Count Zinzendorf ſays alſo, That orders are given for the troops to march towards Italy and the Rhine.

The earl of Mancheſter to the earl of Jerſey.

Paris, Dec. 15, 1700.

Monſieur de Tallard is now with you, which will bring this great affair to a point. I cannot perceive, that he has orders to make any propoſal in relation of what may make England and Holland ſecure; and I am unwilling to make any ſteps that way, in order to find out what their thoughts are here, till I am a little informed of the opinion the king is of, and in what

Will. III. 1700.

The earl of Rocheſter was now ſet at the head of affairs, and was to bring the Tories into the king's ſervice. He was himſelf

A new miniſtry. Burnet.

what manner he could wiſh this would end. Some pretend, that they will give all the aſſurances that can be deſired; but I take it, that we ſhould, if poſſible, have ſomething more ſubſtantial. To others they ſay, that what relates to Flanders, is not in their power, but what propoſals are to be made, muſt be made to Spain, which cannot be done till we acknowledge the new king. Here is a diſcourſe, as if Spain would exchange Flanders for Rouſſillon, or ſome other place near them. It is not improbable, but this may be done in time, though at preſent they know their intereſt too well to give ſuch jealouſies, as this would do. The emperor's late proceedings, and the account, that he is ſending forces into Italy, have made the French take the reſolution of ſending count de Teſſé to Milan. He is declared general of the French forces, and goes away poſt on Saturday next. Twenty-five battalions, and three thouſand horſe, are marching with all diligence towards Savoy. It is ſaid, count Teſſé is to ſee in what condition affairs are there, and to concert with prince Vaudemont; whom, as I believe, they begin to miſtruſt, notwithſtanding what has paſſed. There is no doubt but he is to aſk the duke of Savoy for leave to paſs through his country; ſo that now he muſt explain himſelf, and they are not ſorry it happens ſo. Monſieur Zinzendorf was yeſterday at Verſailles. He had orders to acquaint monſieur de Torcy, that the emperor had received a letter from the States general, jointly with their confederates, the kings of England and France, whereby they ſtill invite him to ſign the treaty, and ſay, that he had yet time to do it: That monſieur de Villars had, notwithſtanding this, declared, that his maſter had accepted the will, and that the duke of Anjou was king of Spain, which was a ſort of contradiction. The anſwer which monſieur de Torcy made him, was, That he did not know what the States may have done, but that the king had no part in it: That he knew what had paſſed here in relation to the duke of Anjou, and that the king was reſolved to ſupport him with all his forces, which he did not doubt but was eaſy to do. This was the ſubſtance of what monſieur de Torcy told me. Count Zinzendorf did only ſet out the right of the emperor to Spain, by the will of Philip IV, the renunciation of France, and ſeveral treaties. There is no doubt but that the anſwer he had to all this was in very high terms, which I think could not have been expected otherwiſe.

Monſieur de Schonenberg to the earl of Mancheſter.

Madrid, Dec. 16, 1700.

The marquis of Harcourt is returned hither ſince Monday

laſt. They careſs him extremely, and it is certain, that his commiſſion extends itſelf to affairs of more importance than the regulating only what relates to the reception of the new king. It ſeems, that thoſe, who have the greateſt credit in the junta of the regency (that is to ſay, the cardinal Portocarrero and his adherents) have made a vow to abandon the fate of the monarchy to the arbitration and the good-will of France. Who would have thought, two years ago, that the Spaniards ſhould become ſo cordially tractable on this article? Thus it is true, that political maxims are no leſs ſubject to variation than other affairs. In the mean while, this court has ſent orders to the government of the Netherlands, ordering all, without exception, abſolutely to obey every thing, that his moſt Chriſtian majeſty ſhall judge proper to order the new king to do. Orders are alſo ſent to tranſport into the Milaneſe the few troops that remain in Catalonia; and it is reſolved to raiſe fifteen hundred men in Italy, to be tranſported to Flanders, whence they will, no doubt, endeavour to remove the foreign troops, to put the French in their places.

It is almoſt inconceivable how much animoſity the ill-intentioned at this court ſhew againſt England and the United Provinces; but we have reaſon to hope, that the perfect union of thoſe two Proteſtant powers (ſo abſolutely neceſſary in the preſent conjuncture) will diſſipate the ill deſigns of their implacable enemies.

What is moſt ridiculous in the indiſcreet miniſters is, that the monarchy is ſo generally decayed, that of themſelves they can do nothing; ſo that, if they ſhould come to be attacked by very moderate forces, they would be every way expoſed to irreparable loſſes, and eſpecially in America. It is true, that they would be ſafe under the protection of France; but, in order to make them ſecure every way, as powerful as that crown is, it would be obliged to exhauſt itſelf.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Dec. 18, 1700.

The Dutch ambaſſador had yeſterday his audience. The king's anſwer was, that he waited with impatience for the laſt reſolution of the States, which he hoped would be conformable to what he ſo much deſired, the peace and quiet of Europe; and that he might aſſure his maſters of his friendſhip, which he would be glad to continue to them. Monſieur de Torcy told him afterwards, that the king was ready to give the States all the aſſurances they could deſire, in relation to their ſecurity. I am told, that the French ambaſſador at the Hague has the like orders. It is certain, that here they are not for war if it can be avoided; and that is not to be doubted, ſince they cannot hope for any advantage by it more than they have. They ſeem to value but little what the emperor can do; yet they are reſolved to take right meaſures in caſe of the worſt. The poſture of affairs at Vienna is ſuch, that, if the princes of Italy were

Will. III. 1700.

not reſolved to oppoſe the Imperialiſts, yet they would not be in a condition to march theſe three months; but i ſeems, there is ſuch hatred againſt them there, by reaſon of their proceedings in the late war, that I find by all the Italian miniſters, that they like French troops better than Germans; ſo that I cannot ſee, but the great preparations that are now talked of, will come to nothing. The emperor would be glad that others would undertake his cauſe.

The envoy of the great duke had, on Thurſday laſt, a public audience, to congratulate the king on the duke of Anjou's acceſſion to the crown of Spain.

I have your's of the 2d, and I ſhall take what care I can to inform you of what orders are given in relation to the fitting out of a fleet. There is no doubt, but they are taking their meaſures to have it in readineſs; and they ſay here, that we are doing the ſame.

Mr. ſecretary Vernon to the earl of Manchester.

Whitehall, Dec. 10, 1700.

I now ſend you back Mr. Chetwynd, his majeſty having thought it proper, that he ſhould bring you the incloſed letter for monſieur Schonenberg; which his majeſty would have you ſend to Madrid, by the quickeſt and ſafeſt way you can think of. I ſend you the letter unſealed, that you may ſee it contains the copy of an inſtruction, which his majeſty gives to Dr. Aglionby, who is appointed to carry his majeſty's anſwer to the letter that his majeſty received laſt week from the regency of Spain, notifying the king's death, and the diſpoſition he made of the crown. He is ordered to go by the way of Groyne, and, I believe, will ſet forwards to-morrow. His majeſty would be glad that he might reach Madrid before the king of Spain's arrival there, it being of conſequence, that no time ſhould be loſt in executing theſe inſtructions. But, ſince he may be delayed by contrary winds, his majeſty has thought fit, that a copy of the inſtructions ſhould be ſent directly, and with ſpeed, to Mr. Schonenberg, that he may, in the mean time, make his majeſty's intentions, of living in his former friendſhip with Spain, rightly underſtood, and uſe his endeavours, either to keep them in, or bring them to the ſame diſpoſition towards us.

Now your excellency ſees, what will be his majeſty's conduct towards Spain, if he meets with ſuitable returns from thence; his majeſty would have it ſerve as an inſtruction to you, how to govern yourſelf in the converſations you may have an opportunity for with the Spaniſh ambaſſador, reſiding at Paris, or with ſuch of the grandees, as are coming thither from the regency, to prevent their taking any ill impreſſions, in relation to his majeſty and his kingdom. But you will defer acquainting him with what his majeſty has now ordered, ſince it may be doubted, what uſe he would make of ſuch an information in that court. It ſeems fit likewiſe, that nothing be ſaid of the particulars to the emperor's miniſter.

M[illegible]

—Monſieur Tallard took occaſion to tell me, yeſterday, That he never intended to ſtay in England above three months. Thoſe will be expired in March next; and therefore, about February, he hoped to have orders to return home; but his maſter would ſend another to ſupply his place, and ſuch an one, as ſhould be agreeable to his majeſty. He touched upon the alterations, that had happened ſince his being here laſt, as to their accepting the will. He ſaid, The reaſons for it were contained in a memorial ſent into Holland; which he did not doubt but I had ſeen, and he could repeat them all by heart, if it were neceſſary. He did repeat moſt of what ſhewed the neceſſity of accepting the will, thereby to prevent the emperor's and the duke of Savoy's having a new title to the crown of Spain. He ſaid, if the emperor thought of invading Milan, his pretenſions would be unjuſt, ſince they had the original grant, by which Charles V conferred that duchy upon Philip II, and his heirs, as well females as males. I aſked him, whether, if the emperor thought he had a right to Milan, and would aſſert it, that that ought to give jealouſies of diſturbances in parts far remote from it, and whether that would occaſion the marching of French troops into Flanders. That we were ſurprized to hear of meſſages ſent to the elector of Bavaria, to tell him, that the French troops ſhould march into Flanders, whenever he thought it neceſſary. I aſked if Holland had given any occaſion for it, or whether they imagined any alarm could come from thence. All he anſwered to it was, that he had not heard of any ſuch meſſages or orders. I told him, that the advantages which accrued to France and Spain by the accepting the will, were viſible; but, what had others to rely upon, who ſaw their treaty laid aſide, from whence they promiſed themſelves the proſpect of peace and tranquility? His anſwer was, that Spain would remain as it has been, and they might have the ſame contells with them hereafter, as they had formerly. But his maſter loſt by complying with the will, but was ſatisfied that juſtice had been done to his family; and the preſerving of peace was all he aimed at.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Dec. 22, 1700.

I was yeſterday at Verſailles, and I continue to go as I did formerly. I know they are a little ſuſpicious of what we are doing, and will be more ſo in caſe Monſieur de Tallard believes all that is ſaid at London. I did take notice to monſieur de Torcy, in general words, of the change of the ſcene of Europe in a little time: That all princes would now be obliged to begin again, and to take meaſures conformable to the preſent poſture of affairs. He could not but allow it; but ſtill he was of opinion, that the peace of Europe was much more ſecured by this alteration. When I mentioned Portugal, he ſaid they could not think themſelves in any danger, ſince the king had ordered his miniſter

Will. III. 1700.

there, as ſoon as he accepted the will, to aſſure the king of Portugal, that he was ready to enter into a league offenſive and defenſive with him.

By this you will ſee they are before-hand with any propoſal or offer the emperor can make. As to Holland, the French ambaſſador there will have given them aſſurances; but you may rely on what I acquaint you, that it will be on condition, that their troops leave Flanders, which they will not admit here on any terms; and I am apt to think that they will be ingenuous enough to own it. Yet at the ſame time they will ſend no French troops, but in defence of the country, in caſe the new king of Spain deſires it. They will, if poſſible, make the States declare themſelves before the meeting of our parliament. There is nothing ſtirring at St. Germain's. They now diſown and are aſhamed of what I told you concerning the prince of Wales.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Dec. 5, 1700.

Count de Tallard at his audience, delivered his letter to the king, ſaying very little at the preſenting of it, and then ſtood ſilent. The king ſaid ſomething to him about his own inclinations to preſerve the peace of Europe, in manifeſting whereof he might perhaps have advanced too far; but he was very deſirous, that all the world ſhould be ſatisfied of his diſpoſitions towards the public tranquility. I underſtand the ambaſſador's anſwer was to this effect, That his maſter had the ſame inclinations to peace, and thought he had given a proof of it by accepting the king of Spain's will. His majeſty ſeemed not to underſtand how that could be made out, and the ambaſſador proceeded no farther, but only made a compliment on his own account; how much he valued the honour of returning hither again, to aſſure his majeſty of his profound reſpects, and ſo took his leave, and went immediately back to London. His majeſty had not opened the letter, while the ambaſſador was with him, it not being uſual; but reading it afterwards, he finds it is there ſaid of the ambaſſador, "That he will explain diſtinctly, the juſt reaſons, that have obliged us to "prefer the public tranquility "to our private intereſts, by "accepting, as we have done, "the will of the late Catholic "king, in favour of the king "our grandſon." And therefore his majeſty ſeems a little ſurpriſed, that he did not enlarge further at his audience, or deſire ſome other time for the doing it.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Dec. 25, 1700.

A perſon of diſtinction is come here from prince Vaudemont; his name is Colmonero. It is thought, that he brings an account of the affairs at Milan, and of the march of ſome of the emperor's troops towards Italy. Whereupon ſixteen batalions are ordered thither, who are to em-

bark, the eighth of next month this ſtyle, at Antibes—All the forces that were in Catalonia and towards Bayonne, are marching into Dauphiné. The army that is intended for Italy, is to conſiſt of ſixty batalions and eighty ſquadrons of horſe; four lieutenant generals, and ſix major-generals. The two firſt of the lieutenant-generals are to embark with theſe ſixteen batalions. It is ſaid, that the whole army will amount to forty thouſand men, if there be occaſion. There is no doubt but they will ſend what they can, ſince they may by theſe means not only oppoſe the Imperialiſts entering into Italy; but they may attack them in their country.

I was yeſterday to make a viſit of ceremony to monſieur de Chamillard. I was willing to know his thoughts a little on what has happened, by way of diſcourſe, which cannot have any conſequences. His expreſſion, as to Holland, was, that he owned it was very difficult to prevent people's fears of what may happen hereafter; but that in great meaſure it may be done, by making of leagues offenſive and defenſive with each other, &c. and that the king would contribute all he could towards it. It is certain, that at preſent they do not deſire to break with England. What they will aim at, here, is the ſending the Dutch troops out of Flanders, and I am ſatisfied that is their deſign; ſo that it is very proper, that monſieur de Tallard ſhould be brought to explain himſelf on that ſubject. His coming ſo abruptly to Hampton-Court, before he had an anſwer from you, ſhews the nature of the man. But beſides, as they ſuſpect what we are doing, ſo I ſee they are here in the laſt impatience to know our reſolutions; and there is not a time I go to Verſailles, that they do not expect I ſhould ſay ſomething of that matter.

Will. III. 1700.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Dec. 16, 1700, O. S.

Count Tallard has not been at court ſince his audience on Wedneſday, nor have I ſeen him, or heard from him, ſince I made him my viſit that day. I do not know, whether he has taken any thing amiſs; that he can have no reaſon for it, you will judge by the accounts I have ſent you. If you find, therefore, that the accounts he has writ into France are different from what I ſent you laſt poſt, you will endeavour to make things rightly underſtood, that we may not fall into coolneſſes upon being miſapprehended. But this reſerved humour, M. de Tallard ſeems to be in, looks as if he had writ ſomething home, upon which he expected further orders.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Dec. 29, 1700.

Monſieur de Torcy mentioned to me the project of a league between England, France, Spain, and Holland, for the ſecuring of Flanders; and any other prince may come into it. Monſieur Lelienroot had made this propoſal; and the king, here,

Will. III. 1700.

is ready to consent to it; and give all sort of assurances, that can be desired; and he hoped, I had, or would acquaint the king with the disposition they were in, to contribute towards the public peace. I said, That it could not be doubted, but the king had the same desire and concern for the peace of Europe, which was manifest by the treaty; and it was plain, that he could have no other prospect. As to the proposal of monsieur Lelienroot, I knew nothing of it; but, I supposed, the meaning of it was, that all things in Flanders should remain as they are. Then he explained himself, and said, That, as the king did not intend to send any troops there, so it could not be expected, that the Dutch should stay there, except only such as belong to the king of Spain. I have long perceived, that this was their design; I only said, that I thought Spain could never apprehend any thing from the Dutch troops remaining there, though I could not tell but it might give apprehensions to others, if they were removed. He would have argued the matter, but I avoided it. I am confident, that, if in Spain it should be approved of, it will be opposed here; yet, if the emperor can make any head, so as to be able to give them trouble, and Portugal should be dissatisfied, as I hear they are, I cannot but think they may be brought to what terms we please.

Monsieur Schonenberg to the earl of Manchester.

Madrid, Dec. 30, 1700.

The affairs here continue to represent a lively image of the inconstancy of human affairs, the regency of Spain doing all that it can to draw on it the yoke of France; but, provided England and Holland keep firm, there may be means found to make them return to their true interest, and to maintain the new king in a convenient independency.

The earl of Manchester to Mr. secretary Vernon.

Paris, Jan. 1, 1701.

I cannot in the least complain of monsieur de Torcy. He is extremely civil to me; but, in general, there is a mighty shyness, of which I take no sort of notice, and do as I used to do. All things move, here, as the king takes notice of them; and, since the accepting of the will, he has never spoken a word to me, though I continue to make my court every Tuesday.

I am told, That the French king has wrote again to the States, to declare themselves, by such a time; else he shall look upon them, as taking measures with the emperor, and act accordingly, to prevent their designs. By what I perceive of things, this was not so peremptory as it was said; though, that

that they will press the States is not to be doubted. I am informed, just now, That an express is come from Madrid; and that the regents have desired the French king to accept the generalship of the monarchy of Spain; and, that they have sent orders to all the viceroys, governors, &c. in all parts, to obey his orders punctually, in all matters whatsoever. If this be true, as it is very probable, one may judge what will be the consequence.

Mr. secretary Vernon to the earl of Manchester.

Whitehall, Dec. 23, 1700, O. S.

Your excellency's letter of the 29th instant, arrived yesterday; and, as soon as I had decyphered it, I laid it before his majesty, being then at Hampton-court. His majesty commanded me to acquaint you, That he does not know what monsieur de Lelienroot's project is, any further than the account you give of it; nor does he know upon what grounds he proposes it; but he supposes it arises from monsieur Lelienroot, or monsieur Palmguist, without any directions from the king of Sweden.

His majesty approves of what you replied to monsieur de Tor[illegible] upon [illegible] plaining, That it [illegible] the intention of that court, [illegible] the continuance [illegible] in Flanders. [illegible] are pursued, it will [illegible] it under[illegible] meant to [illegible] their jealousies [illegible]

The earl of Manchester to Mr. secretary Vernon.

Paris, Jan. 8, 1701.

I had the favour of yo[illegible] Decemb. 23. I take it, that the proposals, which monsieur Lelienroot makes, are of himself, and not by order; and that monsieur Palmguist does the same thing here. They might have their ends in it, for the service of their master; but the success the king of Sweden has had lately, may be, will put an end to all those projects.

Mr. Secretary Vernon to the earl of Manchester.

Whitehall, Decem. 30, 1700, O. S.

Count Wratislaw, the emperor's envoy, arrived here on Saturday last. He goes, to-morrow, to Hampton-Court, where his majesty has appointed him a private audience. I hear, he already begins to discourse of both the emperor's pretensions, as well to the Spanish succession, as to the fief of Milan; and that they are publishing a manifesto at Vienna, in maintenance of each of those titles; and are resolved to justify them, though they stand alone in the defence of them; but, they say, they cannot fall alone, since their ruin must draw others after them.

His majesty is not very well; his appetite abates, and his legs are more swelled; but it chiefly arises from great thoughtfulness, in relation to the public.

Will. III. 1700.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Jan. 12, 1701.

I cannot but think, by the proceedings of the regents of Spain, that they are reſolved to have the French king for their king; and that the duke of Anjou is to have only the name. There is another expreſs come from them; by which they acquaint this king, That they have ſent orders to their miniſters in all courts, to act in concert with the French, and to obey the orders which the French king ſhall ſend them; and to let them know, that Spain ſhall be included in whatever treaty France ſhall think fit to make; and that they may ſign it, without ſtaying for further orders from them. It is certain, that this king ſaid, on this occaſion, that he was 'Le premier miniſtre du roy 'd'Eſpagne:' I am of opinion, that the uſe he will make of this power, is, that he will ſhew all Europe, that, whoever intends to keep any meaſures with Spain, it muſt be by the means of France, or, at leaſt, with their approbation. Beſides, having ſuch a power, the French troops may poſſeſs themſelves of what places they pleaſe. So that there is ſome reaſon to fear, that, in caſe things ſhould beg n to look like a war, the Dutch troops in Flanders may paſs their time ill. I am ſatisfied, that the French will avoid doing any thing of this nature, as long as they can, in hopes of preventing a war; and the meaſures they now ſeem to take are ſuch, that they may not be eſteemed the aggreſſors, but rather on the defenſive. They are too ſenſible of the condition of France, where there are no means left to raiſe any conſiderable ſum, but by a capitation, which is already ſigned; but, unleſs there be occaſion, it will not be levied. It is a very hard tax on the people, eſpecially when all other impoſitions remain as they were during the late war, with an augmentation of five millions of livres for this year. The lottery, which, it was thought, would have ſucceeded, comes to nothing.

It is now thought, here, that the war in Italy is certain; and this court endeavours to perſuade the pope, and the reſt of the princes of Italy, to form a league againſt the emperor; for, ſay they, without ſomething of that nature is done, that country will, in all likelihood, be the ſeat of war.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, Jan. 15, 1701.

There is nothing now left to make the great union betwixt France and Spain compleat, but the ſettling their trade; and it is ſaid, that all the impoſitions on the produce of Spain will be taken off here, as the like will be done there, in relation to the products of France. Several other r[illegible] of, an[illegible] France [illegible] The [illegible] ther [illegible] with co[illegible] Indies; [illegible] ſuffer.

himself declared lord-lieutenant of Ireland (a); and, that the Wiss. III. most eminent man of the Whigs might not oppose them [illegible] 1700. the new parliament, they got Mr. Montague, now a [illegible]

The earl of Manchester to Mr. secretary Vernon.

Paris, Jan. 19, 1701.

I often meet the Spanish ambassador, and I observe your directions. I do not in the least take notice to him of what his majesty's intentions are. He began to talk with me yesterday at Versailles, and asked me, whether we would break with them; making many professions that whatever had passed, yet in Spain they had the same desire to cultivate and increase, if possible, the friendship with his majesty. I told him, that I did not know, but that there might be the same desire on the king my master's part; but that he must allow, that the late proceedings of the regents cannot but have given great jealousies to Europe, and the regents had acted as if they were desirous of being in a manner tributary to France, which would be also of fatal consequence to themselves at last. His answer was natural enough; he said, "What would you have them do, whilst they are threatened with war from all parts, and are not in a condition to help themselves? But, if there was any disposition on our side or continue the ancient good understanding, we should soon see another effect. This he spoke in a manner as if he had orders for what he said; and that, if I doubted, he might venture to give it under his hand, that they would renew all treat[illegible] I find, that even here th[illegible] so apprehensive of a gene[illegible] if England should enga[illegible] that they will, I am [illegible] consent to almost any [illegible] prevent it, even to [illegible] Dutch troops in Flanders, rather than fail. These matters are proper to be transacted in Spain, where there may be some faith still left. I am of opinion, that I partly know the proposals monsieur Wratislaw will make; but I cannot see the emperor is able to perform his part; and it is said, that prince Lewis of Baden is not for having the emperor engage in a war.

(a) The king writ the following short letter, to the earl of Galway, a little before the earl of Rochester's promotion.

Loo, Aug. 15, 1700.

It is some time since I received your letter of the 13th of July, in which you desire to know on whom I have cast my eyes for the government of Ireland; and, as I am sure, that what I write you will be secret, I scruple not to tell you, that I intend to give it to lord Rochester, and to declare it at my return to England; but he will not go to Ireland till the next spring. You will easily conceive the reasons of it. I shall expect your thoughts of a matter that concerns you, and you may always rely on my friendship.

William R.

of

Will. III. 1700. of the Exchequer, to be made a baron. He took the title of Halliſax, which was ſunk by the death of that marquis without iſſue-male. The lord Godolphin was made firſt commiſſioner of the treaſury; the lord Tankerville lord privy-ſeal, in the room of the lord Lonſdale, deceaſed; and Sir Charles Hedges, one of the judges of the admiralty, was appointed one of the principal ſecretaries of ſtate, in the room of the earl of Jerſey. The Tories had continued, from the king's firſt acceſſion to the throne, in a conſtant oppoſition to his intereſts. Many of them were believed to be Jacobites in their hearts, and they were generally much againſt the toleration, and violent enemies to the Diſſenters. They had been backward in every thing, that was neceſſary for carrying on the former war; they had oppoſed taxes as much as they could, and were againſt all ſuch as were eaſily levied, and leſs ſenſibly felt by the people; and were always for thoſe that were moſt grievous to the nation, hoping, that by theſe heavy burdens, the people would grow weary of the war and of the government. On the contrary, the Whigs, by ſupporting both, were become leſs acceptable to the nation. In elections their intereſts was much ſunk; every new parliament was a new diſcovery, that they were become leſs popular; and the others, who were always oppoſing and complaining, were now cried up as patriots. In the three laſt ſeſſions, the Whigs had ſhewn ſuch a readineſs to give the king more force, together with a management to preſerve the grants in Ireland, that they were publickly charged as betrayers of their country, and as men, who were for truſting the king with an army. In ſhort, they were accuſed of too ready a compliance with the humours and intereſts of courts and favourites, and were therefore generally cenſured and decried. And now, ſince they had not ſucceeded to the king's mind, ſome about him poſſeſſed him with this, that either they would not, or could not ſerve him. In ſome of them indeed, their principles lay againſt thoſe things, whereas the Tories principles naturally led them to make the crown great and powerful. It was alſo ſaid, that the great oppoſition made to every thing which the king deſired, and the difficulties that had been of late put upon him, flowed chiefly from the hatred borne to thoſe who were employed by him, and who had brought in their friends and creatures into the beſt poſts. And they were now ſtudying to recover their loſt popularity, which would make them cold, if not backward, in complying with what the king might deſire for the future. The Whigs alſo began to complain of the king's con-

conduct, of his minding affairs ſo little, of his being [illegible] out of the kingdom, and of his ill choice of favourite[illegible] they imputed the late miſcarriages to errors in [illegible] which they could neither prevent nor redreſs. The fav[illegible] who thought of nothing but to continue in favour, a[illegible] ſtill ſafe and ſecure in their credit, conſpired to pr[illegible] king to take other meaſures, and to turn to anothe[illegible] men, who would be no longer his enemies, if they ha[illegible] of the beſt places ſhared among them. And, though [illegible] method had been almoſt fatal, when the king had foll[illegible] ſoon after his acceſſion to the crown, yet there ſeemed to be leſs danger in trying it now, than was formerly. The nation was in full peace; and it was commonly ſaid, that nobody thought any more of king James, and therefore it was fit, for the king's ſervice, to encourage all his people to come into his intereſts, by letting them ſee how ſoon he could forget all that was paſt. Theſe conſiderations had ſo far prevailed with him, that, before he went out of England, he had engaged himſelf ſecretly to them. It is true, the death, firſt of the duke of Glouceſter, and now of the king of Spain, had very much changed the face of affairs, both at home and abroad; yet the king would not break off from his engagements.

It might have been expected, that, when ſuch an unlooked-for ſcene was opened, the king ſhould have loſt no time in bringing his parliament together as ſoon as poſſible. It was prorogued to the 20th of November; and the king had ſent orders from Holland to ſignify his reſolution for their meeting on that day. But the miniſters, whom he was then bringing into his buſineſs, had other views. They thought they were not ſure of a majority in parliament for their purpoſes, and therefore prevailed with the king to diſſolve the parliament; and, after a ſet of ſheriffs were appointed, fit for the turn, a new parliament was ſummoned to meet on the 6th of February. A new parliament ſummoned. Feb. 6. Burnet.

The man, on whoſe management of the houſe of commons the new miniſtry depended, was Mr. Robert Harley, the heir of a family, which had been hitherto the moſt eminent of the Preſbyterian party. His education was in that way; but he, not being conſidered at the revolution, as he thought he deſerved, had ſet himſelf to oppoſe the court in every thing, and to find fault with the whole adminiſtration. He had the chief hand both in the reduction of the army, and in the matter of the Iriſh grants. The high party truſted him, though he ſtill kept up an intereſt among the Preſbyterians;

Will. III. 1700. terians; and he had so particular a dexterity, that he made both the High-Church party and the Dissenters depend upon him; so it was agreed, that he should be speaker.

All this while the new ministers talked of nothing but negotiations, and gave it out, that the French king was ready to give all the security that could be desired, for maintaining the peace of Europe. At this time the emperor sent over to England, count Wratislaw, to set forth his title to the Spanish monarchy, settled on his house by ancient entails, often repeated, and now devolving on him by an undoubted right, since by the renunciation made by the late queen of Spain (as was stipulated by the treaty of the Pyrenees, and then made by her in due form) this could not be called in question. But the new ministers were scarce civil to the count, and would not enter into any consultations with him. But the Dutch, who were about the king, and all the foreign ministers, spoke in another stile. They said, that nothing but a general union of all the powers in Europe could hinder the conjunction of the two monarchies. So, by what those who talked often with the king gave out, it came to be soon known, that the king saw the necessity of a new war, but that he kept himself in a great reserve, that he might manage his new ministers and their party, and see if he could engage them to concur with him.

The king of Sweden defeats the czar at Narva. Burnet.

It will not be improper to close the relation of this year, with which the century ends, with an account of the king of Sweden's glorious campaign. He made all the haste he could to relieve Livonia, where not only Riga was for some months besieged by the king of Poland, but Narva was also attacked by the czar, who hoped, by taking it, to get an entrance into the Baltic: the czar came in person against it, with an army of one hundred thousand men: Narva was not provided for a siege; it had a small garrison, and had very poor magazines; yet the Muscovites attacked it so feebly, that it held out beyond expectation, till the end of the year. Upon the king of Sweden's landing at Revel, the Saxons drew off from Riga, after a long siege at a vast charge: this being done, and Riga both opened and supplied, that king marched next to Narva; the czar, upon his march towards him, left his army in such a manner, as made all people conclude, he had no mind to hazard his person; the king marched through ways that were thought so impracticable, that little care had been taken to secure them; so he surprized the Muscovites, and broke into their camp, before they apprehended he was near them; he totally routed their army, took many

many prisoners, with all their artillery and baggage, and so W. III. made a glorious entry into Narva. This is the noblest campaign that we find in any history; in which a king, about eighteen years of age, led an army himself against three kings, who had confederated against him, and was successful in every one of his attempts, giving great marks both of personal courage and good conduct in them all.

On the 6th of February the parliament met, but was prorogued to the 10th, when the commons were directed by the king to chuse a speaker. Sir Thomas Littleton had been sent for by the king, who told him, that he thought it would be for his service, that he should give way at that time to Mr. Harley's being chosen into that office; which Sir Thomas acquiesced in, and accordingly absented himself from the house on the day of election; when Mr. Harley, being the first person proposed for speaker, and afterwards Sir Richard Onslow named by others, the former had two hundred and forty-nine votes for him, against one hundred and twenty-five in the negative. The next day, the king made the following speech to both houses:

Mr. Harley chosen speaker. Chole. p. 303.

" My lords and gentlemen,

" OUR great misfortune, in the loss of the duke of " Gloucester, has made it absolutely necessary, that " there should be a further provision for the succession to the " crown in the Protestant line, after me and the princess. " The happiness of the nation, and the security of our re- " ligion, which is our chiefest concern, seems so much to " depend upon this, that I cannot doubt but it will meet " with a general concurrence; and I earnestly recommend " it to your early and effectual consideration.

The king's speech to his fifth parliament. Pr. H. C. III. 127.

" The death of the late king of Spain, with the decla- " ration of his successor to that monarchy, has made so " great an alteration in the affairs abroad, that I must de- " sire you very maturely to consider their present state; and " I make no doubt, but your resolution thereupon will be " such, as shall be most conducing to the interest and safety " of England, the preservation of the Protestant religion in " general, and the peace of all Europe.

" These things are of such weight, that I have thought " them most proper for the consideration of a new parlia- " ment, to have the more immediate sense of the kingdom " in so great a conjuncture.

" I

Will. III. 1700. "I must desire of you, Gentlemen of the house of commons, such supplies, as you shall judge necessary for the service of the current year; and I must particularly put you in mind of the deficiencies and public debts, occasioned by the late war, that are yet unprovided for.

"I am obliged farther to recommend to you, that you would inspect the condition of the fleet, and consider what repairs or augmentations may be requisite for the navy, which is the great bulwark of the English nation, and ought, in this conjuncture most especially, to be put in a good condition; and that you would also consider what is proper for the better security of those places, where the ships are laid up in winter.

"The regulation and improvement of our trade is of so public a concern, that I hope it will ever have your serious thoughts; and, if you can find proper means of setting the poor at work, you will ease yourselves of a very great burden, and at the same time add so many useful hands to be employed in our manufactures, and other public occasions.

"My Lords and Gentlemen,

"I hope there will be such an agreement and vigour in the resolutions you shall take upon the important matters now before you, as may make it appear we are firmly united among ourselves; and, in my opinion, nothing can contribute more to our safety at home, or for our being considerable abroad."

A party for France in the parliament. Burnet.

As soon as the parliament was opened, it appeared, that the French had a great party in it. It is certain, great sums came over this winter from France; the pacquet-boat came seldom without ten thousand Louis d'Ors; it often brought more. The nation was filled with them, and in six months time a million of guineas were coined out of them. The merchants indeed said, that the balance of trade was then so much turned to our side, that, whereas we used to carry over a million of our money in specie, we then sent no money to France, and had at least half that sum sent over to balance the trade. Yet this did not account for that vast flood of French gold, that was visible in the nation. And, upon the departure of monsieur de Tallard, the French ambassador, whose place was supplied by monsieur Poussin, with the character only of secretary, a very visible alteration was found in the bills of exchange. For which reason it was con-

concluded, that great remittances had been made to that ambaſſador, and that theſe were diſtributed among thoſe who reſolved to merit a ſhare in that wealth, which came [illegible] copiouſly beyond the example of former times.

Upon the view of the houſe it appeared evidently, that the Tories were a great majority; yet they, to make the matter ſure, reſolved to clear the houſe of a great many, who were engaged in another intereſt. Reports were brought to them of elections, that had been ſcandalouſly purchaſed by ſome who were concerned in the new Eaſt-India company. Inſtead of drinking and entertainments, by which elections were formerly managed, now a moſt ſcandalous practice was brought in of buying votes, with ſo little decency, that the electors engaged themſelves by ſubſcriptions to chuſe a blank perſon, before they were truſted with the name of their candidate. The old Eaſt-India company had driven a courſe of corruption within doors with ſo little ſhame, that the new company intended to follow their example, but with this difference, that, whereas the former had bought the perſons, who were elected, they reſolved to buy elections. Sir Edward Seymour, who had dealt in this corruption his whole life-time, and whom the old company was ſaid to have bought before at a very high price, brought before the houſe of commons the diſcovery of ſome of the practices of the new company. The examining of theſe took up many days. In concluſion the matter was ſo well proved, that ſeveral elections were declared void; and ſome of the perſons ſo choſen were for ſome time kept in priſon, after they had been expelled the houſe. In theſe proceedings great partiality appeared; for, when in ſome caſes corruption was proved clearly againſt ſome of the Tory party, and but doubtfully againſt ſome of the contrary ſide, that, which was voted corruption in the Whigs, was called the giving alms in the Tories.

A deſign was laid in the houſe of commons, to open the ſeſſions with an addreſs to the king, that he would own the king of Spain. The matter was ſo far concerted that they had agreed on the words of the vote, and ſeemed not to doubt of the concurrence of the houſe. But Mr. Monkton oppoſed it with great heat, and among other things ſaid, that, if this vote was carried, he ſhould expect, that the next vote would be for owning the pretended prince of Wales. Upon this occaſion it appeared, how much popular aſſemblies are apt to be turned by a thing boldly ſaid, though the conſequence is ever ſo remote; ſince the connexion of theſe two

A deſign laid for an addreſs to own the king of Spain. Burnet.

points

Will. III. 1700. points lay at ſome diſtance; for the iſſue of the debate was quite contrary to that, which was deſigned, and the addreſs was laid aſide.

An addreſs of the commons to ſupport the king.

On the 14th, upon reading the king's ſpeech, the conſideration of it was adjourned till the next day; but in the mean time the houſe came to this reſolution, "That they would "ſtand by and ſupport his majeſty and his government, and "take ſuch effectual meaſures, as may beſt conduce to the "intereſt and ſafety of England, and the preſervation of the "Proteſtant religion." This reſolution was preſented to the king by the whole houſe, on the 17th of February, to which he gave them this anſwer:

The king's anſwer. Pr. H. C. III. 128.

"I thank you for this addreſs, and your ready concurrence "to thoſe great ends therein mentioned, which I take to "be extremely important to the honour and ſafety of Eng-"land; and I aſſure you, I ſhall never propoſe any thing, "but what is for our common advantage and ſecurity. Ha-"ving this occaſion, I think it proper to acquaint you, that "yeſterday I received a memorial from the envoy extraor-"dinary of the States-general, a tranſlation whereof I leave "with you. As to the firſt part of it, I think it neceſſary to "aſk your advice; and, as to the latter part, I deſire your "aſſiſtance."

The memorial of the Dutch communicated to the commons. Cole, p. 320.

In this memorial, mentioned by the king, the States-general acquainted his majeſty, "That they having conſi-"dered, that their delay of owning the duke of Anjou for "king of Spain was ſubject to malicious interpretations, as "if their aim had been only to gain time to put themſelves "in a warlike poſture, they thought themſelves obliged to "acknowledge the duke of Anjou without any condition, "reſerving to themſelves to ſtipulate, in the negotiation "ready to begin, the neceſſary conditions to ſecure the peace "of Europe; in which negotiation they are firmly reſolved "to do nothing without the conſent of his majeſty and the "other powers intereſted in the maintenance of the peace, as "they have expreſsly declared to the ambaſſador of France. "That therefore they prayed him to ſend to his miniſter at "the Hague, neceſſary inſtructions and orders to act con-"jointly in this negotiation, and that nothing be concluded "but wherein England and Holland may equally find their "ſecurity, and which at the ſame time may tend to ſtrengthen "the public tranquility. But as it may happen not to be "poſſible to agree with France and Spain on reaſonable con-"ditions, and that, the negotiation being interrupted, they

"may

" may be ſuddenly attacked by the numerous troops [illegible] " France has ordered to move towards their frontiers, [illegible] " envoy is to repreſent to his majeſty the urgent neceſſity [illegible] " they ſhould have, in ſo great a danger, of the aſſiſtance [illegible] " of England, and to deſire him to get the ſuccours [illegible] " lated by the treaty, in readineſs, that they may rely on [illegible] " them, if occaſion required."

The next day, this memorial was communicated to the houſe of lords. And the commons, upon report of the king's anſwer to their addreſs, reſolved, " That an humble addreſs " be made to his majeſty by ſuch members, as are of his " privy-council, that he will pleaſe to cauſe the treaty be- " tween England and the States-general of the 3d of March " 1677, and all the renewals thereof ſince that time, to be " laid before the houſe." Which being done by Mr. ſecretary Hedges; the houſe reſolved, " That an humble addreſs " be made to his majeſty, that he will pleaſe to enter into " ſuch negotiations, in concert with the States-general of " the United-Provinces, and other potentates, as may moſt " effectually conduce to the mutual ſafety of theſe kingdoms, " and the States-general, and the preſervation of the peace " of Europe; and giving him aſſurances of ſupport and aſſiſ- " tance, in performance of the treaty made with the States- " general the 3d of March 1677."

It is obſerved, that the deſiring the king in this addreſs to enter into new alliances with the States for our mutual defence, and for the preſervation of the peace of Europe, was not carried without much difficulty; thoſe words being conſidered, as indeed they were, an inſinuation towards a war.

The addreſs was preſented, the day following, by the whole houſe, when the king made them this anſwer: " Gentle- " men, I thank you heartily for the advice you have given " me, and your unanimous reſolution to ſupport and aſſiſt me " in making good the treaty mentioned in your addreſs; and " I will immediately order my miniſters abroad to enter into " negotiations in concert with the States-general and other " potentates, for the attaining of thoſe great ends, which " you deſire. Nothing can more effectually conduce to our " ſecurity, than the unanimity and vigour you have ſhewn " on this occaſion. And I ſhall always endeavour, on my " part, to preſerve and increaſe this mutual truſt and confi- " dence between us."

On the 17th of February, Mr. ſecretary Vernon communicated to the commons by his majeſty's order a letter, which came

The earl of Melfort's letter to the earl of Perth.

Will. III. 1700-1 came to London not deſignedly, as is ſuppoſed, in the French mail. This letter was dated the 18th of February, N. S. and was written by the earl of Melfort to his brother the earl of Perth, then governor to the pretended prince of Wales. It contained his ſchemes to ſet on foot another invaſion, and diſcovered that he held a cloſe correſpondence with the earl of Arran, now duke of Hamilton. Melfort urged it in many arguments, to get the earl of Middleton diſcarded, and recommended himſelf, as much fitter to be truſted.

Cole, p. 319.

This letter was alſo communicated to the houſe of lords, who ordered it to be printed (a), and the next day preſented an

(a) This letter was as follows:

My deareſt Brother,

Since I promiſed to put in writing what we had not time to talk fully of, I am ſet down to it in the morning, that my letter may be ready for the meſſenger, if any call. I told all that I had heard at Verſailles, and the favourable audience I had of madam Maintenon; for which I beg it of you to return my moſt humble thanks to the queen, and beg her to be ſo good, as to thank madam Maintenon, and know of her, what can be done in that matter: It will be a great charity in the queen. I told you, among other things, the great fleet the king intends to put out, this ſummer; the orders being given, and the money ready, the ſtores full, and every one concerned active in their ſtation. There is no doubt, but this fleet will be maſter of the ſea, for ſome time, if not for all the ſummer; becauſe the Dutch dare not ſtir, till the Engliſh be ready; and they have long debates, yet, before they can be in a condition to act, if they have the will; and it is a queſtion, if they will have it at all. The king never had ſo favourable a conjuncture, if he can perſuade this king, that his affairs are really in the circumſtances they are in; but there is the difficulty. The king and queen have more authority with the king, and with madam de Maintenon, than any other in the world can have: but that is not all. There ſhould be ſome one, acceptable to the miniſters, who ſhould lay before them thoſe proofs their majeſties cannot enter into the detail of, and explain the reaſons, make plans and memoirs, by their majeſties approbation, to convince them of the neceſſity, and ſhew the eaſineſs of reſtoring the king, the glory it brings their kingdom, and the advantage to religion. How this will be done, their majeſties are wiſe enough to conſider; and, I think, it is not a ſubject fit for me to enter upon; but their friendſhips, in general, who know not the half of what I know, in this matter, think, that it will not be well done by a Proteſtant miniſter, lazy in his temper, an enemy to France by his inclination, tainted with common-

an addreſs to the king, " Humbly returning their thanks " and acknowledgments to his majeſty for his conceſn ex- " preſſed

Will. III. 1700-1.

Addreſs of the lords on the king's ſpeech. Pr. H. L. II, 20.

monwealth principles, and againſt the king's returning, by any other power, than that of the people of England, and upon capitulation and terms; who is ſuſpected of giving aid to the compounders, if not worſe. That Mr. Carrill is qualified, no body doubts, but in ſociety with the other. Thoſe, who muſt be inſtrumental, will not truſt him, as they ought; ſo that, ſo long as the other is within diſtance of penetrating the affairs, they will never be ſecure. And yet the king has no ſuch game to play, as by theſe very perſons, who are thus diſſident; namely, the true Church of England party, the Catholics, and the earl of Arran; and I ſhall ſay ſomething of every one of them.

The king cannot but be ſenſible, that the true Church of England party, and their principal head, now the biſhop of Norwich, has been ſilent for a long time; and their majeſties may remember, what weight the court of France laid upon their joining the king (I mean the non-(wearing clergy) in caſe of a landing. Therefore all arts ſhould be uſed, without delay, to get them to enter into a correſpondence again; and every impediment ought to be removed, I ſay, without exception. And though, ſometimes, it is of hard digeſtion for ſovereigns, who ought to be obeyed, without reſerve, to yield to the humours of ſubjects, yet prudence ſhould teach them, when they cannot, without injuring their affairs, do what they would, to do what they can; and remember the fable of the dog, who loſt the ſubſtance, by catching at the ſhadow. Aſſurances from the non-jurors, the ſoundeſt and moſt venerable part of the Engliſh church, would be of great uſe, at this time, to perſuade to undertake this great affair; for, beſides their own example, at a landing, and their preaching and writing to the people, that their religion was in no danger, it is moſt certain, they know better than any other can do, what the Church of England, in general, would do for the king's ſervice; and they, being to run all the hazard, would be better believed at the French court, than any other, as I found by experience.

As to the Catholics, and other aſſociates with them, unfortunately for the king, they were thought to have too much inclination for me, and ſo have been reckoned as uſeleſs to the king. And I muſt beg leave to ſay, that undertaking was the beſt feather in his wing; and was moſt juſtly thought ſo by him, and the court of France, even to that degree, that they pretended, if this, and the other article, concerning the clergy, could be made appear, they would concur with the king to invade England. They conſiſted of ſeven regiments of horſe and dragoons; their arms, trumpets, kettle-drums, ſtandards, &c. were all ready, and are yet in ſafety. Their men were all liſted,

Will. III. 1700-1. "preſſed in his ſpeech for the Proteſtant religion, and his "care for its preſervation, by recommending to their conſi- "deration

liſted, and their officers choſen, and they had twenty horſes to a troop; which troops lying at a diſtance, in a horſe-country, twenty horſes would ſoon have mounted the reſt. Thoſe, who could not divine the greatneſs and uſe of the undertaking, blamed the raſhneſs of it; and even ſome churchmen have not been diſapproved, for endeavouring undutifully (becauſe contrary to the king's written orders) to break the deſign. But I deſire you, now, for all this, to believe, that you have not ſuch an argument to uſe to the court of France, as this. And, if you can make it appear, as it might have been, ſome years ago, I ſhould have very good hopes of this ſummer's work; nay, let the king have what other hopes, even promiſes, you pleaſe, from the court of France, this is to be put into the circumſtances it was in. For, if there will ever be a landing in England, to purpoſe, it muſt be before they can be armed; and they cannot be armed, before the parliament come to a reſolution concerning the war; and, conſidering the few troops in England, ſuppoſe thoſe men to be no better than militia, what a diverſion would it be? It is not neceſſary for me to ſay any more of this article, till I know whether their majeſties have as good an opinion of this undertaking, as I have. If ſo, I ſhall ſhew what I think is to be done in it; if otherwiſe, I ſave the pains. As to the earl of Arran, it would be of great uſe to have an underſtanding with him. He will have none, where * ——— can pry. His all is at ſtake, and he ought to be wary with whom he ventures to deal. I think it better for the king's ſervice, that the court-party prevailed, in the manner they have done, in the parliament of Scotland, than that the country-party ſhould have got their will. Oppoſition, ſwells the water to a flood; and, ſo long as the country-party is not diſcouraged, they gain more ground in the kingdom, than they loſe in the government; ſo, that the diſaffection to the government will increaſe; and one may judge of the nation, in general, which is of another temper, than this pretended parliament, or, rather, Preſbyterian rabble, in repreſenting the nation. For, ſince even in it there is ſuch a ſtruggle againſt the government, what would they do in a free parliament, which the prince of Orange durſt never hazard to call? The nation, then, at leaſt a great part of it, being diſaffected to this government, it is of great conſequence, that the earl of Arran may know what to do, in caſe of an invaſion of England; or, in caſe he and his friends be obliged, for ſelf-preſervation, to riſe in their own defence. The army, who are, and ever were, well affected, are to be gained by money; and a little goes a great way with them. The diſbanded troops would be engaged,

* Middleton.

" deration a further proviſion for the ſucceſſion to the crown Will. III.
" in the Proteſtant line. They added, that, being deeply 1700-1.
" ſenſible ——

engaged, and the officers are well inclined. The places of ſtrength would be ſecured, and ſuch as can be put in defence, without expences, fortified. To do all this, at leaſt, ſuch a part of them, as can be begun with, a ſmall ſum will ſerve; and he ought to have hopes of it, and of the command.

Theſe being only heads to be diſcourſed of, and much to be ſaid of every part, it is not to be thought, that this letter can carry a final concluſion: for, it may be, upon diſcourſe, I might change my mind, or be more confirmed in it, and ſee further. This makes me inſiſt, again, to your upon two things, as appearing, to me, abſolutely neceſſary to put things upon a right foot. The firſt is, the removing of all impediments out of the way, and ſending all ſuſpected perſons to Champagne or Burgundy, according to their guilt. And the ſecond is of the laſt uſe, both to their majeſties and the prince; which is, the eſtabliſhing of ſuch a number, under no qualifications, to talk of their affairs, in their majeſties preſence; with whom we can freely converſe, and propoſe what may be for their majeſties ſervice.

As for the firſt; it will be for the king's reputation, both at the courts of Rome, France, and with all his true friends in England, for many reaſons. As for the ſecond, it is according to ſcripture, " In the multitude " of counſellors there is ſafety." Nothing is ſo dangerous, as to determine what one will do, and then hear reaſons againſt it, and imitate the deaf adder, " who hearkens not to the voice " of the charmer, let him charm " never ſo ſweetly." Reaſons againſt a reſolution taken, offend; and, the more force they have, they offend the more; whilſt, before the reſolution be taken, reaſon has its effect, and the determinations are not the effect of humour and faction, but of prudence and juſtice. If in any thing I fail, I'll ſwear it is want of underſtanding, and not of will. And I beg, that their majeſties may be perſuaded, that it is no humour nor vanity, but their ſervice, I have in my view; who am,

My deareſt Brother,

Moſt humbly yours.

There are ſome remarkable circumſtances, relating to this letter, in Mr. Cole's Memoirs; as will appear from the following extracts.

Mr. ſecretary Vernon to the earl of Mancheſter.

Whitehall, Feb. 17, 1700, O. S.

I cannot but mention one expreſſion in the letter, viz. " That " this opportunity muſt be im- " proved, now the court of " France is diſſatisfied with the " prince of Orange, for his " treacheries diſcovered in their " hands." His majeſty does

Will. III. 1700-1. " ſenſible of the weight of what his majeſty had further recommended to them, they could not but deſire he would " be

not know what they ſhould mean by it, unleſs it ariſes from the letters Jolly brought, which his majeſty knows nothing of. You know all that we have ſent to Spain; which is aſſurances of friendſhip, if they have the ſame diſpoſition on their ſide, and to exhort them to preſerve their liberty. If this be an offence, it is impoſſible to avoid it, with France. I ſuppoſe, you will hear a good deal of this letter, and that the parties concerned will not well like, that it is come hither, and made thus public.

Mr. ſecretary Vernon to the earl of Manchester.

Whitehall, Feb. 20, 1709, O. S.

I ſend you, incloſed, the earl of Melfort's letter, printed by order of the houſe of lords. I ſuppoſe, there will be no queſtion made at St. Germain's, whether the letter be genuine, or not; at leaſt, monſieur de Tallard does not call that in doubt, though he ſeems much offended at the letter's being communicated to the lords and commons. He endeavoured to ſpeak with me on Monday night, but I was gone to Kenſington; and, upon his writing to me, next morning, that I would appoint him a time, when he might ſpeak to me, I went to him. He was full of expoſtulation, of the letter's being carried to the two houſes, by my lord chamberlain and myſelf, as if it were done to create an animoſity between the two nations, and to give the alarm, That the French had formed a deſign to invade England; whereas this appeared to be only a chimerical notion of Melfort, who (as he often repeated) was 'un fou & un extravagant;' that he was baniſhed from the court of king James, and had nothing to do in the court of France; that his waiting upon madam de Maintenon was only to get two of his daughters put into the nunnery of St. Cyr; that he had no acceſs to the French miniſters, but was ſpinning cobwebs of his own; and there ought to have been no occaſion taken, from thence, to create jealouſies and miſunderſtandings. That the French had ſhewn their diſpoſition to live in friendſhip with England; and he thought care ought to be taken, on our ſide, not to give any grounds to believe, that we were picking a quarrel with them; and this he thought neceſſary to tell one, as a matter that deſerved attention.

I told him, The letter contained ſomething that might appear notional, and like a project of his own; but other parts of it laid down facts, that it extremely concerned us to provide againſt; ſuch as the fitting out a fleet in France, that was like to be maſter of the ſea, this ſummer; that we could make no proviſion for our ſafety, but in parliament; and therefore it was fit they ſhould be acquainted with our danger, and that the

proofs

" be pleaſed to order all treaties made by him, ſince the late war, Will. III.
" to be laid before them, that they might thereby be better 1700-1.
" enabled ——

proofs of it ſhould be laid before them. That, in France, they could diſpatch every thing dans le cabinet. We had not ſo ready a way, in England, but what we did muſt be publickly, and dans le marché. Whoever had ſuppreſſed ſuch an advice, here, might juſtly have expected an accuſation of treaſon againſt him.

He ſaid; He did not diſown, but they were fitting out ſhips to ſea; but they did it upon the preparations making in Holland, where they were at work, night and day, as well Sundays, as other days, to get out their fleet; therefore, they could not do leſs in France; but they were not fitting ſo many ſhips, as was repreſented; and that they had no thoughts of being at ſea theſe three or four months.

I told him, I ſhould be glad there might be no occaſion for any fleets coming out on either ſide. I was ſure, all that we aimed at was, to be on the defenſive; and I ſhould be much better pleaſed, and think it more our intereſt, to be diſarming of ſhips, than arming them. As to the character he gave my lord Melfort, of ſou & ineenſé, when we ſaw him treated as ſuch in France, we ſhould be willing to have the ſame opinion of him: till then, we could not but remember, what an inſtrument he had been, in promoting the intended aſſaſſination and invaſion, and muſt be concerned, that he ſo bringing himſelf again into play, upon the ſame bottom; and, by his way of writing, at leaſt, one muſt ſuſpect, that he is admitted into converſations with the French miniſters. It ſeemed very extraordinary, that he ſhould preſs the improving this opportunity, now the court of France had reſentments, upon the diſcovery of ſome treachery they thought his majeſty guilty of. He ſaid, this was a pure fiction of Melfort's. I told him, I was glad to hear them ſay ſo; and his majeſty was very well ſatisfied, that he had given no occaſion for any one's having ſuch hard thoughts of him. I aſked him once or twice, whether he knew of any diſcovery of this kind. He ſaid, he never heard any thing like it, and there was no ſuch thing, in reality.

In concluſion, he ſaid, that people ought rather to appenſe jealouſies on both ſides, than inflame them. I told him, he could contribute a great deal towards it, and, I hoped, he would make uſe of his power. What I could do, in any caſe, would be inconſiderable; but no endeavours of mine ſhould be wanting to remove miſunderſtandings, and ſo ſecure the public peace.

The earl of Manchester to Mr. ſecretary Vernon:

I am glad, that the letter of my lord Melfort is fallen into your hands. Certainly, it will open people's eyes, in England:

Will. III. 1700-1. "enabled to give their advice. They likewiſe requeſted his "majeſty to engage in ſuch alliances abroad, as he ſhould "think

and thoſe, that ſeem to doubt, that they have ſuch thoughts here, have reaſons for it. The only hopes they have now left, at St. Germain's, are, that they are to be reſtored by a French power, in a ſhort time; and the intrigues, carried on in Scotland, are too apparent to be doubted on.

The expreſſion, in the letter, which you mention, muſt mean what was found in the pacquet of Mr. Jolly, which he grounded on the reports, at Paris; and this went ſo far, that they ſaid, there was a deſign to poiſon the king of Spain. This ſhews how little the French court truſts any of them, elſe they would have been better informed. There can have been nothing in monſieur Schonenburg's letter, but an anſwer to the inſtructions he had; whereby we might have ſeen in what diſpoſition they were, in relation to us. &c. As for Spain's preſſing on France, I have often own to monſieur de Torcy, what jealouſy that might and does give to Europe. But he always aſſured me, that it was not the king's intention, though, at preſent, he could not but aſſiſt them, they not being in a condition to help themſelves; that ſo that matter can have no ill effect. &c.

I believe, this court will be very angry with lord Melfort; for it is plain, by ſeveral accounts, and particularly by monſieur de Tallard's printing M. d'Avaux's memorial, they are not willing to break with us; though I ſtill admire at their proceedings in Flanders.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, March 9, 1701.

I had not your letter of February 10, till I came from Verſailles, where I found, that a courier of monſieur de Tallard was arrived the day before with the reſolutions of the parliament, and a copy of lord Melfort's letter. The conference I had with monſieur de Torcy was much the ſame with what you had with the count de Tallard, his diſcourſe turning in the ſame manner, that the expoſing this letter was only to create and excite animoſities in the nation: That it ſhewed a deſire of breaking with France. That he had ſent for lord Melfort, who was with him this morning; and owned, that he had wrote a letter of that date, and that [illegible] loſt, which he believed gave occaſion for the framing of this: That he had mentioned ſomething in it of madam de Maintenon, whom he had ſeen about his private affairs; but he denies almoſt all that is in the letter. As for that of the biſhop of Norwich, he could have no grounds to ſay it, ſince he hardly knew him, and he was ſatisfied of the contrary. As for lord Arran, he was convinced he was not in king James's intereſt; that he was rather ſetting up for himſelf, as having ſome pretence to the crown of Scotland. In ſhort,

" think proper for preſerving the balance of Europe, aſſuring Will. III.
" him, that they would readily concur with whatever ſhould 1700-1.
" be ——

I found his opinion was, that it was contrived only to frame a deſign to incenſe the nation, and to break with France, &c. He ſaid, that I was ſenſible how little credit lord Melfort had at this court, or at St. Germain's. He read the letter to me, as alſo a paper cried about the ſtreets of London, of a new plot or conſpiracy of France againſt England. The anſwer I made him was, that by my laſt letter I had ſome account of this letter: That, by as much as I knew of it, I did not in the leaſt doubt but they were lord Melfort's thoughts, and wrote by him; but at the ſame time I was ſatisfied, that the French court was far from taking ſuch meaſures. That, as to the communicating it to the parliament, if he knew our conſtitution, he would know, that it was impoſſible to do otherwiſe in this conjuncture, when greater preparations by ſea and land were never known to be made than are actually making now in France; which was no ſecret, nor did I believe, that there was any deſire, that it ſhould be ſo. That he muſt forgive me, if I thought lord Melfort was not ſo deſpicable a perſon, ſince I ſaw him often at court, which, here eſpecially, is no ſign of it, ſince men of that character were not permitted to approach ſo near the king. That, not having yet my letters of the laſt poſt from England, I could not tell what effect it had cauſed; but that my opinion was ſtill, that we were far from deſiring a war; neither could it be our intereſt; unleſs we were obliged to it for our own ſecurity, and conſequently that of Holland. I alſo took notice of the expreſſion of the diſcovery of ſome treachery, which the king was ſuppoſed to be guilty of, and which I did not underſtand, unleſs it meant the extravagant reports, that were at Paris, of letters found, which my ſervant, who was drowned, brought from Madrid; and I did not doubt but he knew the ſubſtance of them very well, and was convinced of the contrary of the reports. I told him alſo, that the proceedings of the vice-roy of Navarre in opening the letters, and ſending them to Madrid, could not be any ways juſtifiable, ſince he could eaſily ſee, that they were directed to a public miniſter reſiding at the court of France. He did own, he could not tell the meaning of that expreſſion, ſince the king was far from having any ſuch thoughts. He ſeemed to know nothing of the letters, but he had heard of this accident; but he condemned very much the opening of them. I ſaid further, that, as for the paper cried about the ſtreets, I did believe it was not done by order; that they printed what they pleaſed in England; though, if the authors were diſcovered, they were liable to be puniſhed. Becauſe it is not ſent to me, I am of opinion it is ſuch a paper, as we have often at London; but I do aſſure you, it makes more im-

Will. III. 1700-1. " be conducive to the honour and ſafety of England, preſer-
" vation of the Proteſtant religion, and the peace of Europe.
" Next

impreſſion here than the letter. Endeavours are uſed to make it to be believed, that it was forged only to ſerve a turn, as they ſay has been the cuſtom at the beginning of parliament. This muſt reflect on the honour of his majeſty; and I did venture to ſay to monſieur de Torcy, that, in caſe it could be ſuppoſed ſuch a letter was forged, I did not doubt but I might produce the original, if there was any occaſion. I wonder he did not mention to me what had paſſed between you and monſieur de Tallard. In ſhort, I am told, they take it for granted, that we ſhall enter into a war; and, as I happened to come a little later to Verſailles yeſterday than uſual, the whole court had it, that we had declared war; but, when they ſaw me, it ſoon put a ſtop to that report.

Mr. ſecretary Vernon to the earl of Manchester.

Whitehall, March 3, 1701, O. S.

I have your excellency's letters of the 5th and 9th to acknowledge. The firſt arrived late on Thurſday, and the other this morning. They have been both laid before his Majeſty. I cannot but ſmile at the turn my lord Melfort gives to his letter, that he ſhould own his having loſt the letter he writ about that time, and think to impoſe upon any body, that gave occaſion to the forging of another. Monſieur de Tallard (as I acquainted you) made no doubt but it was his letter, and I imagine monſieur de Torcy thinks ſo too. My lord Seaſield being newly come up from Scotland, I ſhewed him the original letter, this morning: He is well acquainted with lord Melfort's hand-writing and ſeal, and knows both to be genuine.

As to the printed paper, that was ſent to monſieur de Torcy, of the diſcovery of a new French plot upon England, I know nothing of it, nor have I met with any body that has ſeen it. I ſuppoſe it muſt be ſome Grub-ſtreet writer; and thoſe, you know, print any ſtuff, to get a penny; and their news dies as ſoon as it comes out: Therefore I wonder monſieur Torcy ſhould lay ſtreſs upon ſuch unknown, unauthorized pieces, which he knows creep out daily on both ſides, and are not taken notice of by either. It is not a fair charge upon us, that we ſeek occaſions to ſtir up animoſities, and to pick quarrels with them. For my part I ſhould be glad they would ſhew us the way, how they are to be avoided with any reaſonable ſecurity to ourſelves and neighbours.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, March 16, 1701.

Lord Melfort is ſent to Angiers. The court of France concerted with that of St. Germain's

" Next they humbly thanked his majeſty for communicating Will. III.
" the earl of Melfort's letter to them, and deſired he would 1700-1.
" be pleaſed to order the ſeizing of all horſes and arms of
" Papiſts, and other diſaffected perſons, and have thoſe ill
" men removed from London, according to law; but eſpe-
" cially they deſired he would pleaſe to give directions for a
" ſearch to be made after arms and proviſions of war men-
" tioned in the letter. Laſtly, they requeſted, that ſuch a
" fleet might ſpeedily be fitted out, as his majeſty in his great
" wiſdom ſhould think neceſſary for the defence of himſelf
" and kingdoms." His majeſty thanked their lordſhips for this addreſs, and 'for the concern they expreſſed in relation 'to the common ſecurity both at home and abroad;' and told them, 'he would give the neceſſary orders for thoſe 'things they deſired of him, and take care for fitting out ſuch 'ſhips, as in that conjuncture ſhould be neceſſary for their 'common ſafety.'

The king having earneſtly preſſed the parliament to provide for the ſucceſſion of the crown after himſelf and the princeſs of Denmark, the commons took the ſame into conſideration, and on the 3d of March reſolved, "That, for the preſerving " the peace and happineſs of this kingdom, and the ſecurity " of the Proteſtant religion by law eſtabliſhed, it is abſolutely " neceſſary, a further declaration be made of the limitation " and ſucceſſion of the crown in the Proteſtant line, after his " majeſty, and the princeſs, and the heirs of their bodies re-

The firſt vote about the act of ſucceſſion. Drake, p. 28. Burnet.

main's firſt. Lord Middleton is not a little pleaſed.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, March 19, 1701.

Lord Melfort was ordered to Angiers by a Lettre de Cachet, yet ſome will have it, that he has underhand had aſſurances, that he ſhall be reſtored, when affairs will admit of it.

The earl of Mancheſter to Mr. ſecretary Vernon.

Paris, March 23, 1701.

What I mentioned firſt to monſieur de Torcy, was, to know, whether he ſtill doubted of lord Melfort's letter. He ſaid, not in the leaſt, and that his wife had owned it. The excuſe he made was, that the confuſion he was in, and its being read to him in French, made him think, that there was ſomething added; but that he ſince found it otherwiſe, and that thereupon he was baniſhed. The uſe I made of this was to ſhew him thoſe ſuſpicions they had, that it was done to enflame the nation againſt France, could no longer remain; neither could I learn any thing about ſuch a paper as count Tallard ſent, and was told about the ſtreets.

" ſpectively.

Will. III. 1700-1. "respectively. And that further provision be first made for "the security of the rights and liberties of the people." The new ministers spoke for this resolution with great zeal; from which their friends made inferences in their favour, that certainly men, in the interests of France, would not promote a design so destructive of all they drove at. This was so little of a piece with the rest of their conduct, that those, who were still jealous of their sincerity, looked on it as a blind to cover their ill designs, and to gain them some credit; for they could not but see, that, if France was once possessed of the power and wealth of Spain, our laws, and every thing that we could do to support them, would prove but feeble defences. The manner, in which the motion of the succession was managed, did not carry in it great marks of sincerity. It was often put off from one day to another, and it gave place to the most trifling matters. At last, when a day was solemnly set for it, and all people expected, that it should pass without any difficulty, Mr. Harley moved, that some things previous to that might be first considered. He observed, that the haste the nation was in, when the present government was settled, had made them go too fast, and overlook many securities, which might have prevented much mischief; and therefore he hoped they would not now fall into the same error; since nothing pressed them at present. He moved then, that they would settle some conditions of government, as preliminaries, before they should proceed to the nomination of the person; that so they might fix every thing, that was wanting, to make their security compleat. This was popular, and took with many; and it had so fair an appearance, that almost none could oppose it. Some weeks were spent upon it. Suspicious people thought, this was done on design to blast the motion, and to offer such extravagant limitations, as should quite change the form of the government, and render the crown titular and precarious. At last, these preliminaries were agreed on:

Words of the bill of succession. St. II. C. III. 130.

I. That whoever shall hereafter come to the possession of this crown, shall join in communion with the Church of England, as by law established.

II. That, in case the crown and imperial dignity of this realm shall hereafter come to any person not being a native of this kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories, which do not belong to the crown of England, without the consent of parliament.

III.

III. That no perſon, who ſhall hereafter come to the poſ- Will. III.
ſeſſion of the crown, ſhall go out of the dominions of Eng- 1700-1.
land, Scotland, or Ireland, without conſent of parliament.

IV. That, from and after the time, that the further limitation by this act ſhall take effect, all matters and things relating to the well governing of this kingdom, which are properly cognizable in the privy-council, by the laws and cuſtoms of this realm, ſhall be tranſacted there, and all reſolutions taken thereupon ſhall be ſigned by ſuch of the privy-council, as ſhall adviſe and conſent to the ſame.

V. That, after the limitation ſhall take effect, no perſon born out of the kingdom of England, Scotland, or Ireland, or the dominions thereunto belonging, although he be naturalized, or made a denizen (except ſuch as are born of Engliſh parents) ſhall be capable to be of the privy-council, or a member of either houſe of parliament, or to enjoy any office or place of truſt, either civil or military, or to have any grant of lands, tenements, or hereditaments from the crown to himſelf, or to any others in truſt for him.

VI. That no perſon, who has an office or place of profit under the king, or receives a penſion from the crown, ſhall be capable of ſerving as a member of the houſe of commons.

VII. That, after the limitation ſhall take effect, judges commiſſions be made, quamdiu ſe bene geſſerint, and their ſalaries aſcertained and eſtabliſhed. But, upon the addreſs of both houſes of parliament, it may be lawful to remove them.

VIII. That no pardon under the great-ſeal of England be pleadable to an impeachment by the commons in parliament.

The king was alarmed at theſe proceedings, for almoſt every article implied a reflection on him and his adminiſtration, chiefly that of not employing ſtrangers, and not going out of the kingdom. All theſe, as well as moſt of the other articles, were unacceptable to the king; ſo many, who had an ill opinion of the deſign of thoſe who were now at the helm, began to conclude, that the delays were affected, and that theſe limitations were deſigned to raiſe diſputes between the two houſes, by which the bill might be loſt. When ſome time had been ſpent in theſe preliminaries, it came to the nomination of the perſon to the ſucceſſion, after the king and the princeſs of Denmark, and their heirs; Sir John Bowles, who was then diſordered in his ſenſes, and ſoon after quite loſt them, was ſet on by the party, to be the firſt who ſhould name the electoreſs dowager of Brunſwick,

which

Will. III. 1700-1.

which ſeemed to be done to make it leſs ſerious, when moved by ſuch a perſon. He was, by the forms of the houſe, put into the chair of the committee, to whom the bill was committed. The thing was ſtill put off for many weeks. At every time that it was called for, the motion was entertained with coldneſs, which ſerved to heighten the jealouſy. The committee once or twice ſat upon it, but all the members ran out of the houſe with ſo much indecency, that the contrivers ſeemed aſhamed of this management. There were ſeldom fifty or ſixty at the committee; yet in concluſion the bill paſſed, and was ſent up to the lords, where it was expected that great oppoſition would be made to it. Some imagined, that the act was only an artifice, deſigned to gain credit to thoſe, who at this time were ſo ill thought of over the nation, that they wanted ſome colourable thing to excuſe their own proceedings. Many of the lords abſented themſelves on deſign. Some little oppoſition was made by the marquis of Normanby; and four lords, the earls of Huntington and Plymouth, and the lords Guilford and Jefferies proteſted againſt it (b). Thoſe who wiſhed well to the act were glad to have it paſſed any way, and ſo would not examine the limitations that were in it. They thought it of great importance to carry the act, and that, at another time thoſe limitations might be better conſidered. Thus the act paſſed, and the king ſent it over by the earl of Macclesfield to the electreſs, with the Garter. It was reckoned a great point carried, that there was now a law in favour of a Proteſtant ſucceſſor; for it was evident, that a ſtrong party was formed againſt it, in favour of the pretended prince of Wales. He was now paſt thirteen, bred up with a hatred both of the religion and conſtitution of England, in an admiration of the French government; and yet many, who called themſelves Proteſtants, ſeemed fond of ſuch a ſucceſſor; a degree of infatuation, that might juſtly amaze all who obſerved it and ſaw the fury with which it was promoted.

The ducheſs of Savoy proteſts againſt the bill of ſucceſſion.

In the mean time, the ſettlement of the ſucceſſion was a great ſubject of diſcourſe and alarm abroad. Thoſe Popiſh princes who were deſcended from the blood-royal of England, and were more nearly related to the crown than the princeſs So-

(b) Lamberty ſays, (I. 496) Six lords came to the count de Briançon, and propoſed to him, that the duke of Savoy ſhould deliver up one of his ſons to be educated in England in the Proteſtant religion; declaring, that in that caſe, the act for the Hanover ſucceſſion ſhould never paſs. But the duke refuſed to conſent to it.

Lamberty. I. 504.

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phia, were offended at being ſtruck off from their remote hopes, and preſumptive right. But the perſon more immediately concerned, as being higheſt in blood, after the king and the princeſs Anne, was the ducheſs of Savoy, daughter to the late ducheſs of Orleans, and grand-daughter to king Charles I; who therefore ordered count Maffey, ambaſſador from Savoy, to make a proteſtation of her right, to this effect: "That Anne of Orleans, ducheſs of Savoy, &c. "princeſs of the blood royal of England, by the royal prin-"ceſs of Great-Britain, Henrietta her mother, put ſo high a "value upon that prerogative, that ſhe gladly made uſe of the "opportunity that then offered, to ſet it forth before the eyes "of the whole Engliſh nation, as an evidence ſhe drew "from thence, of having a right to that auguſt throne. "That therefore being informed, that it had been reſolved "in the parliament, that, being the only daughter of the "late princeſs royal, Henrietta her mother, ſhe was the next "in ſucceſſion after his majeſty William III, and the prin-"ceſs Anne of Denmark, according to the laws and cuſ-"toms of England, which always preferred the neareſt to "the remoteſt line. That her title, being thus notoriouſly "known and indiſputable, ſtood in need of no farther proof. "However, that ſhe thought fit to proteſt againſt all reſo-"lutions and deciſions contrary thereto, in the beſt and moſt "effectual manner, that might be practiſed in ſuch a caſe; "wherein ſhe complied rather with cuſtom than neceſſity, "becauſe ſhe had ſo great an idea of the wiſdom and juſtice "of the king and parliament, that ſhe had no cauſe to fear "they would do any thing prejudicial to her and her chil-"dren."

Will. III. 1700-1.

This Savoy proteſtation ſeemed to be an affront to king James, his queen, and the pretended prince of Wales; ſince the ducheſs of Savoy vouchſafed not to take the leaſt notice of them, but ſubſtituted herſelf immediately after the princeſs of Denmark, and thereby appeared to confirm the juſt ſuſpicions of the pretender's birth.

The king being very ſollicitous to defend the States of Holland from the inſults and approaches that were made upon them by the French in Flanders, and, if poſſible, to reſtore and preſerve the balance of Europe, ſent inſtructions to Mr. Stanhope, envoy extraordinary to the States, to enter into negotiations with the miniſters of France and Spain, purſuant to the addreſſes of both houſes. Accordingly Mr. Stanhope, after concerting matters with the States, delivered in propoſals to the count d'Avaux, the French ambaſſador at the Hague,

Articles propoſed to France.

Will. III. 1700-1. Hague, importing, that the king his maſter, and the States-general, had, on the 25th of March 1700, concluded a treaty of partition with the French, to prevent a new war, which they had all the reaſon to apprehend, in caſe the king of Spain ſhould die without iſſue; and that among other things, the principal aim of the contractors was to preſerve peace, and particularly in thoſe parts; but it was evident, that, though his moſt Chriſtian majeſty had thought fit to accept the will of the late king of Spain, going in this manner off from the partition, yet nevertheleſs his Britannic majeſty muſt not loſe the effect of that treaty; that is to ſay, the peace and general tranquility; and that particular ſecurity muſt be given him; by ſome equivalent or otherwiſe. That for this end Mr. Stanhope had orders to propoſe the following points and articles.

That his moſt Chriſtian majeſty ſhall, in a certain time limited, as ſhort a one as can be agreed on, withdraw all his troops out of the Spaniſh Netherlands, without leaving any there; and that he ſhall not be allowed the ſending any thither; but that hereafter no troops ſhall be kept in the Spaniſh Netherlands (except in the places of ſecurity, which will be mentioned in the following article), but Spaniards, Walloons, or thoſe of other ſubjects of the monarchy of Spain excluſively, under the oath, and in the pay of Spain, and no troops of his moſt Chriſtian majeſty, directly or indirectly; yet it ſhall, nevertheleſs, be permitted to the king of Great-Britain, and the States-general, to ſend troops for the defence of the Netherlands, whenever they ſhall be [illegible] fully required.

That, for the particular ſecurity of his Britannic majeſty, the cities of Oſtend and Nieuport, with their ports, caſtles, and citadels, and all the forts and fortifications thereunto belonging, ſhall be given up to the excluſive care of his majeſty; all in the condition which they are now in, with a power to put in what garriſon he pleaſes, either of his own troops, or of his allies, that he may deſire for that uſe, and what troops he ſhall think fit; whilſt France or Spain ſhall not be permitted to put the leaſt garriſon, or to build behind, or about theſe cities, ports, and fortreſſes, any other forts, lines, or fortified works, or to do any thing, that might cauſe a prejudice to the guarding of theſe cities and fortreſſes, and hinder its effect.

That his Britannic majeſty may augment, diminiſh, and change the garriſons of theſe cities and fortreſſes, as often as he ſhall think fit, and ſend thither proviſions, ammunition, arms,

arms, materials for fortifications, and in general, all that may be fit and neceſſary for the uſe of the garriſons and fortifications, without any hindrance by ſea or by land, directly or indirectly. Will. III. 1700-1.

That his majeſty ſhall have the full power and authority over theſe cities, ports, caſtles, and fortifications, where he ſhall have ſuch his garriſons and commanders as he ſhall think fit; ſaving, and without prejudice to the other rights and revenues of Spain over and in theſe caſtles.

That, beſides, his Britannic majeſty ſhall have liberty to fortify and repair the fortifications of theſe cities, ports and fortreſſes, as he ſhall think proper; and in general to do all that he ſhall find neceſſary for their defence. That no kingdoms, provinces, cities, lands, or places, belonging to the crown of Spain, within as well as out of Europe, and particularly no cities, places, or lands of the Spaniſh Netherlands, ſhall be allowed to be yielded or transferred, nor be able to devolve or come to the crown of France, by donation, purchaſe, exchange, contract of marriage, ſucceſſion by will, or inteſtate; nor by any other title that can be; and that they ſhall not be liable to be ſubjected to the power or the authority of his moſt Chriſtian majeſty in any manner.

That the ſubjects of his Britannic majeſty ſhall keep and enjoy all the privileges, rights, immunities, and other advantages, in the dominions and kingdoms of Spain, as well within as out of Europe, and by conſequence alſo in the Spaniſh Netherlands, both in regard to their navigation, commerce, and liberty of the ports, and every thing elſe which they did enjoy, or ought to have enjoyed, at the death of the late king of Spain; and that thus every thing whatever, except that about which it ſhall be otherwiſe agreed in the treaty to be made, ſhall be left in the condition in which it was at the death of the late king of Spain.

That all the treaties of peace and commerce, and other conventions between England and Spain, ſhall be renewed in the manner it ſhall be agreed on together, as far as it ſhall be changed by the treaty that ſhall be made.

That, beſides this, the ſubjects of his Britannic majeſty ſhall enjoy, in the kingdoms, dominions, cities, places, bays and harbours, of the crown of Spain, within and without Europe, the ſame privileges, rights and franchiſes, as alſo all the immunities and advantages, which the ſubjects of his moſt Chriſtian majeſty, or of any other prince or potentate enjoy, as well thoſe which ſhall be granted to any of them, and which they ſhall hereafter enjoy.

Will. III. 1700.-1

That it ſhall be promiſed ſolemnly, on the part of France, and of Spain, that this ſhall be exactly performed in all theſe points in general, and in each in particular.

That the treaty, to be made on this ſubject, ſhall be guaranteed by ſuch kings, princes, and potentates, which the one or the other of the contractors ſhall deſire to do it, and that in the ſtrongeſt manner they ſhall think fit.

All this to be done, with a reſerve, to enlarge on theſe points in the negotiation, as much as ſhall be found neceſſary, to clear up their true ſenſe and intention, as alſo to prevent all ſorts of diſputes.

Theſe propoſals were the ſame they ſeconded by others from the States-general, which agreed with them in every thing material, except that inſtead of Nieuport and Oſtend, which were demanded by king William, as cautionary towns, the States required to have thoſe of Venlo, Ruremond, Stevenſwaert, Luxemburg, Namur, Charleroy, Mons, Dendermonde, Damme, and St. Donas, with all their appurtenances.

They are tranſmitted to the king of France. Cole.

The French ambaſſador, after hearing both theſe propoſals read, ſeemed greatly ſurprized, ſaying, that, as he expected the king of England and States-general would demand to have the French troops withdrawn out of the Spaniſh Netherlands, ſo he came prepared to give ſatisfaction in that article, by aſſuring, that it ſhould be done as ſoon as the king of Spain ſhould have forces of his own to guard the country; but, as to the other articles, they were ſuch as could not be higher, if his maſter had loſt four battles; ſo that it was impoſſible he could give them any other anſwer for the preſent, than that he would tranſmit them to the king; as he did the ſame night. He added, that it ſeemed as if the States reſolved to have war, and confirmed the advices he had from the French miniſter at Vienna, that they had lately concluded and ſigned a league with the emperor. From this charge the Dutch deputies cleared themſelves, by abſolutely denying that there was any ſuch treaty, and alledging that it was notorious to all the world how much the States were inclined to peace, when they might have it with ſecurity, which was all they aimed at by theſe propoſals.

The French, ſeeing theſe demands of the Engliſh and Dutch run ſo high, and being reſolved to offer no other ſecurity for the peace of Europe, but the renewal of the treaty of Ryſwick, ſet all their engines at work in England, to involve us into ſuch contentions at home, as ſhould both diſable us from taking any care of foreign affairs, and make

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the reſt of Europe conclude, that nothing conſiderable was to be expected from England. In this they were but too well ſeconded by the parliament, as will preſently appear. Will. III. 1700-1.

On the 18th of March, the king ſent a meſſage to the commons by Mr. ſecretary Hedges, importing, "That his majeſty having directed Mr. Stanhope, his envoy extraordinary and plenipotentiary at the Hague, to enter into negotiations in concert with the States-general, and other potentates, for the mutual ſecurity of England and Holland, according to an addreſs of their houſe to that effect; and that Mr. Stanhope having tranſmitted to his majeſty copies of the demands made by himſelf and the deputies of the States, upon that ſubject, to the French ambaſſador there; his majeſty had thought fit to communicate the ſame to the commons; it being his intention to acquaint them from time to time with the ſtate and progreſs of theſe negotiations, into which he had entered purſuant to their addreſs." The king acquaints the parliament with theſe proceedings. Pr. H. C. III. 131.

When this meſſage was conſidered by the commons on the 21ſt of March, and the propoſals of Mr. Stanhope and the Dutch deputies to the French ambaſſador were read, they reſolved, that the treaty of partition be read likewiſe; which being done, they voted, "That an humble addreſs be preſented to his majeſty, to return the thanks of this houſe for his gracious meſſage, wherein he is pleaſed to communicate his royal intentions to acquaint this houſe from time to time with the ſtate and progreſs of thoſe negotiations into which his majeſty has entered purſuant to the addreſs of this houſe: and alſo to lay before his majeſty the ill conſequences of the treaty of partition (paſſed under the great ſeal of England, during the ſitting of parliament, and without the advice of the ſame) to this kingdom and the peace of Europe, whereby ſuch large territories of the king of Spain's dominions were to be delivered up to the French king." Addreſs on the partition treaty. Ibid.

When this addreſs was preſented to the king, he ſomewhat reſented the unkindneſs of it, and thought there was much more reaſon to complain of the perfidious breach of the treaty, than of the making of it. However, without taking any notice of that part of the addreſs, he returned the following anſwer: "That he was glad that they were pleaſed with his communicating to them the ſtate of the negotiations he had entered into; and that he ſhould continue to inform them of the progreſs that ſhould be made in them; and he always willing to receive their advice thereupon, being

Will. III. 1700-1. "fully perſuaded, that nothing could contribute more effectually to the happineſs of the kingdom, and the peace "of Europe, than the concurrence of the parliament in all "his negotiations, and a good underſtanding between him "and his people."

The partition treaty charged in the houſe of lords. Burnet.

But the lords had, before this, on the 17th of March, entered upon the conſideration of the partition treaty, the debate being begun by Sheffield marquis of Normanby, and the reſt of the Tories. This they managed with great dexterity, while the matter was as much neglected by the king, who went that day to Hampton-Court, where he ſtaid ſome time. By this means no directions were given, and thoſe who had been concerned in the treaty, were involved in great difficulties before the court was aware of it. The king either could not prevail with his new miniſters to excuſe the treaty, if they would not juſtify it; or he neglected them ſo far, as not to ſpeak to them at all about it. Thoſe who attacked it, ſaid, they meant nothing in that but to offer the king advices for the future, to prevent ſuch errors as had been committed in that treaty, both as to matter and form. They blamed the giving ſuch territories to the crown of France, and the forſaking the emperor. They alſo complained of the ſecrecy, in which the treaty was carried on, it not being communicated to the Engliſh council or miniſtry, but privately tranſacted by the earls of Portland and Jerſey. They blamed likewiſe the putting the great ſeal, firſt to blank powers, and then to the treaty itſelf; which, the king's new miniſters ſaid, was unjuſt in the contrivance, and ridiculous in the execution (a). To all this it was answered, that, there

(a) The treaty was likewiſe treated with great ſeverity of language in the books and pamphlets of that time. Davenant, in his 'Eſſay upon the Balance 'of Power,' repreſents, that the authors of the treaty "knew "well enough that it muſt bring "difficulties almoſt inſuperable "upon any future miniſtry. "They could not (ſays he) but "foreſee, that the prodigious "increaſe of power and ſtrength "which the partition treaty, "had it taken effect, gave to "the French, would go the laſt "degree have alarmed all the "thinking men of England. "Did not Naples, and the influence they would have had "upon Milan, intirely ſubject "Italy to their dominion? If, "with the ports they have already on the ſouthern coaſt of "France, they had likewiſe had "Sicily, had they not been "maſters of the Levant trade? "And was not the province of "Guipuſcoa a hook in the very "throat of Spain? Had they "not by this triple league in "one inſtant more cities, people "and

there not being a force ready and ſufficient to hinder the French from poſſeſſing themſelves of the Spaniſh monarchy, which

Will. III. 1700-1.

" and kingdoms, than probably " they could have obtained by " the ſword attended ſtill with " victory in the courſe of a hun- " dred years? But the emperor " did not acquieſce in it. Por- " tugal temporiſed, but would " poſſibly have declared againſt " it, if any ſtrong alliance had " been formed. The Conclave " began to tremble. Venice did " not think it ſafe; and all the " princes and ſtates of Italy began " to find it high time to enter into " alliances for their common " preſervation. Of all this, war " muſt have been the conſe- " quence." Dr. Drake, in his 'Hiſtory of the laſt Parliament,' endeavours to ſhew, that the late king of Spain's will was the product of the partition treaty; and that, if France had abode by that treaty, the balance of Europe had been as effectually broken, as it was by their acceptance of the king of Spain's will. Under this ſecond head he remarks, that, " the " poſſeſſion of Naples and Si- " cily, and all the Spaniſh de- " pendencies on the coaſt of " Tuſcany, with the adjacent " iſlands, Santo Stephano, Por- " to Hercole, Orbitello, Tela- " mone, Porto Longone, Piom- " bino, Final, with the mar- " quiſate belonging to it, Fon- " tarabia, St. Sebaſtian, with " the whole province of Gui- " puſcoa, &c. gave the French " ſuch a number of good har- " bours in the Mediterranean, " that the advantages of them, " improved with their uſual ap- " plication and judgment, muſt " have made them in a ſhort " time abſolute maſters of the " Mediterranean, and, in con- " ſequence of that, of the ocean " alſo. How far this would " have gone towards that uni- " verſal monarchy, which France " ſo paſſionately longs for, the " meaneſt capacity may judge. " By this means, the pope, the " Tuſcan, the Genoeſe, and " the Spaniards, had been di- " rectly locked up; not a ſhip " belonging to any of them " durſt have peeped out of har- " bour without a French paſs. " The Spaniſh Flota would con- " ſtantly and inevitably have " been at their mercy; for all " their commerce with the Weſt- " Indies muſt neceſſarily have " ceaſed, and the king of Spain, " how much ſoever he might " have ſtomached it inwardly, " muſt have lain as ſtill as king " Log, while the French played " at leap-frog over him. The " leaſt ſhow of reſentment would " have furniſhed him with a " pretence to ſeize on the trea- " ſures of the Weſt-Indies, and, " like a kind neighbour, to " have convoyed the galleons " into their own harbours."

The treaty was alſo animadverted upon, in a pamphlet, entitled, 'An account of the debate in town concerning peace and war, in letters to a gentleman in the country.' The third letter of which is directly againſt the partition treaty, the reaſons for which are repreſented as merely plauſible, but not ſo-

29672

Will. III. 1700-1.

which they were prepared for, the emperor had desired the king to enter into a treaty of partition, and had consented to every

lid; that it was a disingenuous one; that great services were done to France by it; that it was carried on without the confederates; that the parliament was not consulted in it; that the balance of Europe was lost by it; that the archduke should have been sent into Spain, which would have prevented that treaty; that the treaty produced the will of the king of Spain; and that the Spaniards complained of the treaty.

However, the treaty had some advocates in print, and particularly the author of 'Two letters 'to a friend concerning the par-'tition treaty,' republished in the third volume of State Tracts, p. 184. Bishop Burnet had some hand in these letters, in the former of which the occasion of the treaty is thus stated: "We "and the Dutch had got thro' "a war at a vast charge, and "with infinite danger. We "saw the weakness of Spain in "the business of Barcelona. "There was no reckoning on "them as capable of making "a stand, if the king of France "were freed from a war, since, "when that pressed him on all "hands, yet with a small army "he could at his leisure take "that important place. Had "Spain any intrinsic strength to "resist, there was time enough "given them to have brought "it all together. If, I say, "France then with so small a "body made such a conquest, "what could be expected from "Spain, when the French king "should send his whole strength "against them? A fleet before "Cadiz, and two small armies "marching in through Catalo-"nia and Navarre, might have "found it hard to subsist, but "not to conquer Spain. The "emperor abandoning all other "thoughts, had, during the "last war, pursued his advan-"tages against the Turks, and "thereby had both exhausted "his own strength, and disgust-"ed his allies. And, on the "conclusion of the peace of "Ryswick, he had shewed so "great an inclination to ruin "Heresy at any rate, and so lit-"tle regard to the honour of a "prince to whom he owed so "much, that this, with some "other things, (which I love "not to remember, because I "hope that court will grow "wiser) had given so just a dis-"content, that few seemed will-"ing to engage in a new war "for him and his family. And "his councils were so dilatory "and uncertain, that, instead "of pressing the renewal of a "general alliance upon the con-"clusion of the peace, he seem-"ed not to regard it, when "pressed thereto. We here "were so weary of taxes, and "so jealous of a standing army, "that we brought down our "land-force, first to twelve thou-"sand, and then to seven. Our "fleet kept proportion to our "army. The Dutch did not "disarm so fast; yet they had "no force to spare; and, to be "sure, they would unwillingly

"engage

every article of it, except that which related to the duchy of Milan. But the king, not thinking that worth the engaging in

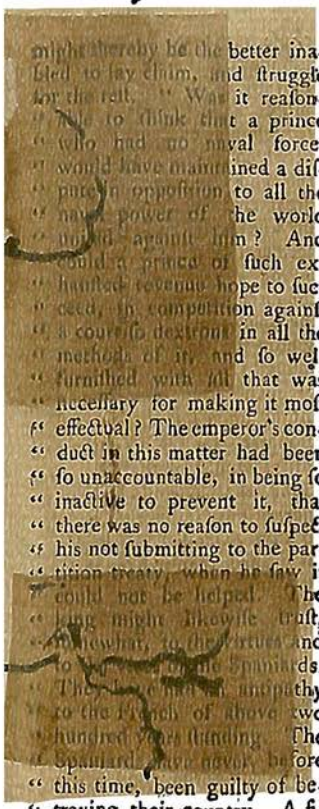
Will. III. 1700-1.

" engage in the quarrel deeper " than we did. While the de- " bates concerning the army " were on foot, the ill health " of the king of Spain was not " forgot to be mentioned; and " the danger of the progreſs " that the French might make, " if we were reduced to ſuch an " incapacity of protecting the " Spaniards, was often repre- " ſented, but was often rejected " with indignation, as an arti- " fice of the court to get an " army kept up. Things be- " ing in ſuch a ſtate, might not " the king think, that what was " left for him to do, was to " make the beſt bargain he " could?" The author then proceeds to ſhew, that, " how " bad ſoever the partition might " be, it ſeemed ſtill more de- " ſirable to yield up ſome parts " of the Spaniſh monarchy, than " to let France conquer it, or " rather take it all. Spain it- " ſelf, the Weſt Indies and " Flanders, were the branches " of that monarchy, in which " we were chiefly concerned; " and, while theſe were kept " intire in the ſame hands, our " intereſts were pretty ſafe. It " is known, that, what advan- " tage ſoever the Spaniſh gran- " dees may make of the domi- " nions in and about Italy, " Spain itſelf is not the ſtronger " or richer for them, but much " to the contrary. It is true, " their intereſts at Rome are " fortified by them; but we " are little concerned in thoſe. " It was not to be imagined, " that France, which had made " ſo much noiſe with their pre- " tenſions to that ſucceſſion, " and (how ſlight ſoever they " may be) had involved all Eu- " rope in war upon yet ſlighter, " and that ſaw how ſure they " were of conquering ſo feeble " an enemy, and ſo weak a ri- " val, would let all this go for " nothing. They did not fear " a new alliance againſt them; " they knew well the temper " both of the Engliſh and Dutch: " they therefore pretended to " the Italian dominions. If the " king had been in condition to " have talked roundly to them, " certainly that had been both " the wiſeſt and beſt method. " But thoſe who ſeem now the " moſt inflamed againſt the par- " tition treaty, know in their " conſciences, that they them- " ſelves would never have en- " gaged in a new war, if the " dominions in Italy, much leſs " if the duchy of Milan had " been the only point in debate. " I leave it to you to judge " what a parliament would have " ſaid, if they had been called, " and had found the French " king in poſſeſſion of, per- " haps, all the Spaniſh mo- " narchy (as, no doubt, by " what we have ſeen, he would " ſoon have been, upon the " death of the king of Spain) " if they had diſcovered, that " offers had been made to have " compounded for that whole " ſucceſſion, by yielding up the " dominions in Italy, but that " the king and his miniſters had " re-

Will. III. in a new war, had obtained an exchange of it for the duchy
1700-1. of Lorrain. The emperor did not agree to this, yet he pref-

" rejected the propoſition? I " doubt not, but then we ſhould " have had impeachments upon " impeachments; and the ſuſ- " picions of ſelling and betray- " ing the world into the hands " of the French, would have " carried ſuch characters of pro- " bability, that we would, in " reverſe of St. Bartholomew " Shower's ſubtle diſcovery, " have concluded who they " were, that were the inſtru- " ments of France, and ſuppo- " ſed them to have been as well " paid for it, as perhaps ſome " have been for later ſervices." The author then proceeds to ſhew, that the dominions in Italy, though very valuable, yet, no naval power belonging to them, were not now ſo conſiderable as they had been ſome years before; nor was it certain, that, notwithſtanding the partition treaty, they would have been a ſure acceſſion to the crown of France, which, perhaps, would have found as much oppoſition to it as ſhe was like to receive now to her taking poſſeſſion of the whole. He next remarks, That king William did not build much upon the faith and honour of the French king, but might imagine, that age had qualified that unquiet ſpirit, which had given the world ſo much diſturbance. " He might think, that a bi- " gotted prince would, above " all other things, deſire to have " the Papacy under his protec- " tion, that is to ſay at his " mercy. He would, perhaps, " chuſe rather to have the do- " minions, that were yielded to " him by the treaty, which he " might expect, without the " trouble and charge of a war, " of which it is not eaſy to ſee " the end: a lady, that has " great credit with him, might " be known to be fond of this " acceſſion of empire, both " laying a great obligation on " the ſucceſſion, and as ſecuring " the quiet and life of one, in " whom ſhe has ſo particular an " intereſt: a miniſtry compoſed " of ſuch young perſons, as " might hope to outlive their " monarch, for all his immor- " tality, would probably con- " clude, that it would be more " meritorious, in another reign, " to have extended the empire " of France, than to have raiſed " a younger ſon of France, ſo " as, perhaps, he might be able " one day, [illegible] with his [illegible] " one or [illegible] " or, perhaps, upon much bet- " ter, the king might have rec- " koned that the treaty would " have been buried in blood by " the French, without relying " ſo entirely upon a faith, that " had been ſo often given, and " ſo ſeldom kept." He ſhews likewiſe, that his majeſty had other things to depend on; as, particularly, that it was reaſonable to think, that the emperor would have come into the treaty, though it had been only with this deſign, that by his ſon's being in poſſeſſion of the beſt part of the Spaniſh monarchy, he might

preſſed the king not to break off the treaty, but to get the beſt terms he could for him; and, above all things, he recommended



" an abſolute confidence in the
" virtues of the Chriſtian king.
" And, after all, as the king of
" Spain had lived beyond all
" men's expectations, ſo the
" king might have hoped, that
" he might languiſh out yet a
" few years more; and then the
" revenue of the crown of Eng-
" land would have been clear-
" ed of all anticipations, and,
" in the mean while, theFrench
" king would have been obli-
" ged to keep ſuch meaſures,
" as would have ſecured us from
" all attempts, and have ſunk
" the hopes of a treacherous
" party among ourſelves, who
" had ſet up their reſt upon the
" greatneſs of France, and be-
" gin now to revive their dead
" hopes, which ſeemed quite
" withered by the peace of Ryſ-
" wick, and by the ſeeming
" friendſhip between our court
" and that of Verſailles." In the Second Letter, the author conſiders the objections made to the juſtice and to the wiſdom of the treaty. It was ſaid to be unjuſt in itſelf, as being a diſpoſition of the dominions of a third perſon, then alive, made by a confederacy of two ſtrangers, with one of the pretenders to the ſucceſſion, without the conſent of the other; and, as being inconſiſtent with the ſeperate article of the grand alliance, made in 1689, whereby the States-general ſtipulated with the emperor, to aſſiſt him in taking the ſucceſſion of the Spaniſh monarchy, in caſe of the then king of Spain's death without iſſue. For the better conceiving

Will. III. 1700-1.

Will. III. 1700-1.

mended ſecrecy, that ſo he might not loſe his intereſt in Spain, by ſeeming to conſent to this partition. It is certain, that,

ceiving the force of the objections and the anſwers, it will be proper to ſtate the ſeveral pretenſions to the ſucceſſion. Philip the Third had iſſue, beſides his ſon Philip the Fourth, three daughters; Anna, the eldeſt, married to Lewis XIII, father of Lewis XIV; Margaret, the ſecond, married to the emperor, Ferdinand III, father of the reigning emperor; and Catherine, married to the duke of Savoy. Philip the Fourth had iſſue, beſides the laſt king of Spain, dead without iſſue, two daughters; the eldeſt, Maria-Thereſa, married to Lewis IV, who had iſſue the Dauphin; the other, Margaret, married to the then emperor, by whom ſhe had iſſue only Maria-Antonietta, firſt wife to the elector of Bavaria, and they had one child, the late electoral prince, born in 1691, and who died the 6th of February, 1698. Upon the ſeveral marriages of the two infantas with Lewis XIII and Lewis XVI, ſolemn renunciations were made of all claims to the ſucceſſion of the Spaniſh dominions, by them or their deſcendants. Thoſe renunciations the houſe of Auſtria inſiſted upon as valid, and ſo their claim took place. The French pretended to object to their validity, and claimed the ſucceſſion, as if nothing had paſſed to bar them. This being the caſe, it appears, that the firſt treaty of partition was not liable to the objection of want of proper parties; for, as the French king and the Dauphin entered into it, ſo the elector of Bavaria, in behalf of his ſon, in whom at that time the whole right of the houſe of Auſtria was indiſputably lodged, was not only conſenting, but promoted it. And this firſt treaty had a very good conſequence; for, as ſoon as the tranſaction took air, it not only occaſioned the king of Spain to make a will, by which he declared the electoral prince his univerſal heir, but it made the emperor to acquieſce in it; who, till that time, was vigorouſly ſoliciting, by his miniſter at Madrid, for a will in favour of the archduke. As to the ſecond treaty, it appears, by the powers, which are in print, that it began in Holland, by a joint negotiation of the emperor's plenipotentiary, with thoſe of England, France, and the States-general; but, the emperor not thinking it fit to appear a party in the negotiation, for reaſons which were obvious enough, the treaty was afterwards concluded without him. "To ſay it was unjuſt, for that "reaſon, is at the ſame time to "ſay, the ſeparate article of the "grand alliance was unjuſt; "for that was diſpoſing of the "dominions of a king then liv-"ing, by an agreement of two "ſtrangers, with one only of "the pretenders. As the em-"peror was no party to this laſt "treaty, ſo France was no par-"ty to the firſt. If it was con-"ſiſtent with juſtice for the king "of England and the States to "agree, that one of the preten-

ders

that, by our conſtitution, all foreign negotiations were truſted entirely to the crown: That the king was under no obligation

Will. III. 1700-1.

" ders ſhould have the whole,
" without any privity or conſent
" of the other, or of Spain;
" how could it be unjuſt (as to
" the nature of the contract) to
" enter into an agreement with
" one only of the pretenders,
" for diſtributing the ſucceſſion
" among all that claimed?
" When controverſies ariſe be-
" tween ſovereign princes, there
" is no judicature to determine
" of the right; and they are
" at liberty to refuſe to ſubmit
" to a mediation, which is often
" hard to bring about, becauſe
" both parties muſt agree in the
" mediators. Controverſies of
" this ſort would never have an
" end, but in the ruin of one of
" the parties, and perhaps of
" neighbouring nations, in the
" conſequence, unleſs other
" princes and ſtates may, by a
" proper interpoſition, in ſuch
" a manner as they think moſt
" agreeable to juſtice and to
" the good of their own ſub-
" jects, oblige all the preten-
" ders to recede from extremi-
" ties, and, in caſe of obſtina-
" cy on any ſide, to aſſiſt thoſe
" who are willing to yield for
" the ſake of peace. This has
" been the approved practice of
" all ages. A well founded ap-
" prehenſion of an unreaſonable
" increaſe of power in a neigh-
" bouring prince, has been al-
" ways held to be a juſt ground
" of making war: It may be
" better defended to be a juſt
" reaſon to prevent it by treaty.
" An acceſſion of the intire Spa-
" niſh dominions, either to the
" emperor (whoſe claim was for
" himſelf and his lineal deſcen-
" dants) or to France, muſt un-
" queſtionably have formed a
" power extremely terrible to
" the reſt of Europe. It was
" therefore neceſſary to think of
" dividing the ſucceſſion, or
" turning it out of the direct
" line, for the common ſecu-
" rity of Chriſtendom. Princes
" are bound to provide for the
" ſafety of their ſubjects, by all
" reaſonable ways: If the moſt
" eligible cannot be arrived at,
" they muſt purſue ſuch me-
" thods as are practicable. It
" was viſible, the French king
" was reſolved not to acquieſce
" in the renunciations: his flat-
" terers had abſolutely hardened
" him in the opinion, that all
" thoſe ſolemn acts were inſig-
" nificant; and, to make good
" theſe ſentiments, he had not
" only employed his lawyers,
" but his arms, in the diſpute,
" for many years. This the
" emperor well knew; nay, it
" is expreſsly declared in the
" Separate Article of the Grand
" Alliance: ſo that when the
" accident happened, the war
" was inevitable; and the ac-
" cident was expected every
" day. No care had been
" taken to form the neceſſary
" alliances, on the concluſion
" of the treaty of Ryſwick; no-
" thing was determined as to
" the Spaniſh ſucceſſion; no
" proviſion for ſecuring any
" thing ſtipulated by the grand
" alliance. On the contrary,
" ſome things had paſſed at that
time,

Will. III. 1700-1.

tion by law to communicate ſuch ſecrets to his council, or to hear, much leſs was he obliged to follow their advice. In par-

" time, which neceſſarily made " a ſtrangeneſs between the em- " peror and the Proteſtant prin- " ces. No arguments were o- " mitted to draw him into new " meaſures, in order to make " the Separate Article of the " Grand Alliance ſignificant and " effectual. And it was highly " reaſonable to inſiſt upon terms, " when it was ſo freſh in me- " mory, where the burden of " the laſt war lay. But, by " reaſon of the very ſlow mea- " ſures of the court of Vienna, " and the particular intereſts " which the emperor thought " himſelf under the neceſſity of " managing with the court at " Madrid, nothing had been " done, or was likely to be " done, on that ſide; and at " the ſame time the ſubjects of " England and Holland ſeemed " neither willing nor able to en- " ter into a new war. France " did not only continue armed, " as during the war, but was at " vaſt expence in buying horſes " for remounting their cavalry, " and liſting the ableſt men, as " faſt as they were diſbanded by " the confederates. Without a " treaty, a war was inevitable, " or rather, France was maſter " of all, without a war. This " was the unhappy neceſſity, " under which the king and the " States found themſelves. And " in ſuch circumſtances, where " was the injuſtice, to accept of " the contract of the French " king and the Dauphin, to " content themſelves with a part " only of the vaſt ſucceſſion, and " ſuch a part, as would not on- " ly be at leaſt inconvenient to " the parties contracting, but " to the general liberty and ſe- " curity of Europe, rather than " leave him in circumſtances to " ſeize the whole, or at leaſt to " take the immediate poſſeſſion " of thoſe parts, which would " neceſſarily and ſuddenly en- " danger the trade and ſafety " of the Engliſh and the Dutch? " Upon the foot of this treaty, " the king and the States ac- " quired an explicit and direct " right to compel the French " king to acquieſce in the ſhare " allotted to him, which perhaps " was wanting before. For " though Spain, in reſpect of " the ſeveral renunciations and " ſolemn acts, had an expreſs " right to oppoſe the future pre- " tences of France to any part " of that ſucceſſion, yet it was " not plain, that by renewing " his claim he violated any " league, with England and " Holland, which would be the " caſe after his entering into " that treaty. There is another " very conſiderable thing to juſ- " tify this treaty, if it be true, " as it has been affirmed, that " during the tranſactions in Hol- " land in the ſummer 1699, the " emperor's miniſters, though " they declared they could not " make themſelves parties to an " agreement for diſmembering " the Spaniſh monarchy, which " would wholly ruin their af- " fairs at Madrid, yet they did " not expreſs any great averſion " to be ſeemingly forced to ſome " reaſonable terms. It has not " often been known, that a de-

" liberate

particular it was ſaid, that the keeper of the great ſeal had no ſort of authority, to deny the putting it, either to powers for a

Will. III. 1700-1.

" liberate act of three ſovereign " powers, made upon very " weighty grounds, has been ſo " frankly called, Unjuſt. The " emperor has not found cauſe " to give it that hard name; " nay, the French themſelves, " who have violated this treaty " in the moſt open and ſhame- " leſs manner, and want to the " higheſt degree an excuſe for " breach of faith, and had a " good one, if the treaty was " unjuſt, yet they have never " called it by that name, but " have contented themſelves to " take up the wretched pre- " tence, that by breaking the " league, they have purſued the " ſpirit and meaning of it." The author then proceeds to juſtify the wiſdom of the treaty, and to ſhew, that it was the only means left to prevent the impending deſtruction of Europe: and that, in the making of it, the intereſt of the houſe of Auſtria was ſincerely eſpouſed, and a ſollicitous care uſed, that the balance of Europe ſhould not be intirely broken, and at the ſame time England and Holland did not neglect themſelves, but made ſuch a diſtribution as might be leaſt prejudicial to their intereſt. " The three things, ſays he, " which they were principally " obliged to take care of, were " their ſecurity, their trade, and " the common intereſt of the " Proteſtant religion. In order " to this, they were firſt to take " care of the barrier in Flan- " ders, for making good where- " of ſo much money had been " ſpent, and ſo much blood had " been ſhed, it being demon- " ſtrably plain, that if France " was poſſeſſed of the Spaniſh " Netherlands, it was not poſſi- " ble for the Dutch to bear long " the expence of ſupporting " themſelves; and when they " fell a prey to France (not- " withſtanding the vain diſ- " courſes we heard not long be- " fore) England was not likely " to be free any great while.

" The ſecond thing, which " concerned both nations high- " ly, was the preſerving the " trade of Spain, and the uſe of " her ports.

" The third thing, which " concerned England, and the " Dutch not a little, was to " keep the Weſt-Indies, and " the trade thither, in the con- " dition they then ſtood. For " it will not be denied, if ever " France can appropriate to it- " ſelf the trade of Spain, and " the management of the Spa- " niſh Weſt Indies, ſhe will " ſoon be miſtreſs of the world.

" Theſe were the things to " be firſt looked after, and for " theſe the treaty did fully pro- " vide. It is not to be denied " but that the Turky trade was " of great conſequence to both " nations, and the trade of " Italy not inconſiderable, eſpe- " cially, to Holland; and it " were to be wiſhed, that every " thing could have been intirely " gained: But, when that was " impoſſible, the moſt weight " was to be laid on what was " of the greateſt conſequence."

" ——The

Will. III. a treaty, or to any treaty, which the king ſhould agree to.
1700-1. That the law gives no direction in ſuch matters, and he could not

" ——The treaty of partition, if it had been ſtood to, had placed Spain, the Weſt-Indies, the Netherlands, and Milan in ſuch hands, as France could expect no ſincere aſſiſtance from. What real addition of power Naples and Sicily would have brought to her, is not ſo plain. France is a compleat united ſtrength. Whether ſhe would have been ſtronger by the poſſeſſion of two remote countries, whoſe natives have the utmoſt hatred to the French, experience only would have ſhewn. Italy would have been alarmed to the laſt degree, to find the French taking poſſeſſion of ſo large a part of it, which it could not be poſſible to prevent, conſidering the power and preparations of France. But this would not have been the firſt time, that the French had got to be maſters of Naples and Sicily, and yet were not able to hold them. Certain it is, the court of Rome would have found itſelf obliged to ſet all its engines on work to prevent the eſtabliſhing of that ſlavery, which was inevitably coming upon them. They would be diſcerning enough to ſee; that from that hour the French king became peaceably ſettled in the poſſeſſion of Naples and Sicily, the pope muſt ſink in his character, and would be no more than a French biſhop. The reſt of the Catholic world would hardly conſider him as a common father, who could be made and unmade at the pleaſure of France. Without pretending to prophecy, one may ſay literally, that heaven and earth would have been moved upon this occaſion. The church would have drawn out all her forces ſpiritual and temporal; and, beſides the influence ſhe would always have upon the Italian princes and ſtates, which is avowedly not little, they themſelves are quick-ſighted enough to ſee, what different figures the princes of France make in this age from what they made heretofore, and to learn caution from ſo ſignificant examples. Beſides the pope's remonſtrances would have had the more authority as well as vigour, from the ſcandalous appearance it would have had to the whole world, that France, in conjunction with two heretic powers, ſhould diſpoſe of the fiefs of the church. The emperor would undoubtedly have been ſollicited by all ſorts of arguments to aſſiſt the church, and aſſert the liberty of Italy; and, how far he might have been able to reſiſt, might not be difficult to gueſs. All the Catholic princes of Germany were at liberty to act as the conjuncture invited them. The Italians would not have apprehended any thing from Spain; they would have underſtood eaſily,

not refuſe to put the great ſeal to any thing, for which he had an order from the king, unleſs the matter was contrary to law, which had made no proviſion in this caſe. They inſiſted moſt on the other ſide upon the concluding a treaty of this importance, without communicating it firſt to the privy-council. During this debate, ſome lords having ſpoke very reflectingly on the French king, the earl of Rocheſter animadverted upon them, alledging, that all men ought to ſpeak reſpectfully of crowned heads; and that this duty was more Will. III. 1700-1.

" eaſily, which way the arch-
" duke's wiſhes would go. The
" duke of Lorrain's affection to
" the houſe of Auſtria is ſo well
" known, that it is certain the
" French could have depended
" on nothing from Milan in his
" hands. And though the late
" chancellor in his letter ſaid,
" 'That, if the treaty ſhould
" take place, and Milan could
" not be relieved by ſea, it
" would be of little ſignification
" in the hand of any prince,'
" we ſee he was miſtaken, and
" that very powerful reliefs
" might be ſent by land to Mi-
" lan, and the emperor and
" empire might always have an
" open way into Italy through
" that country. The king of
" France would have been cau-
" tious to have left his frontier
" naked towards Flanders, when
" in poſſeſſion of a prince of the
" houſe of Auſtria, or to have
" left the Rhine unguarded,
" when the pope would be ſure
" to have a prevailing power
" with the eccleſiaſtical electors,
" and the other Catholic princes
" of the empire. This would
" have been the higheſt ſecu-
" rity to the Proteſtant intereſt,
" for which certainly we were
" above all other things con-
" cerned. Italy would have
" been the ſcene of the war,
" where upon all accounts we
" ought to wiſh it, and not
" only as being the moſt remote
" from us. The apprehenſion
" of a Catholic league, which
" is no chimera, and which it
" is to be too juſtly feared may
" be the immediate conſequence
" of a ſettled peace among the
" Popiſh powers, when the zeal
" of the emperor, as well as of
" the French king, is conſi-
" dered, would have been far
" removed. In ſuch a ſtate of
" things we could apprehend
" nothing to our trade, not
" even in the Mediterranean.
" All parties would have found
" it reaſonable to be courting
" the great naval powers of the
" world. We might be neuter,
" if we thought fit, or might
" have made our own terms.
" We were not bound to take
" any other ſhare in the war
" than we pleaſed; for, though
" we ſtood obliged to ſee the
" treaty executed, yet in the
" utmoſt ſtrictneſs that was all.
" We were not bound to main-
" tain the reſpective parties in
" poſſeſſion: We might have
" enjoyed the advantages of
" peace, or we might have
" otherwiſe found our advan-
" tages in return for our aſſiſ-
" tance, in caſe we choſe to
" give it to either ſide."

parti-

Will. III. 1700-1. particularly incumbent on the peers of a kingdom, who derive all their honour and luſtre from the crown. This was ſeconded by another earl, who ſaid, That the king of France was not only to be reſpected, but likewiſe to be feared. To whom another lord replied, That he hoped no man in England needed to be afraid of the French king; much leſs the peer, who ſpoke laſt, who was too much a friend to that monarch, to fear any thing from him. Thus ended the firſt day of the debate (b).

The lords adviſed with in the treaty oppoſed it. Burnet.

The earl of Portland apprehending, that this might fall too heavily upon him, got the king's leave to communicate the whole matter next day to the houſe, when he told them, that he had not concluded the treaty alone, but had, by the king's order, acquainted ſix of his chief miniſters with it, who were the earls of Pembroke and Marlborough, the viſcount Lonſdale, the lord Somers and Halliſax, and ſecretary Vernon. Upon which theſe lords, being likewiſe freed by the king from the oath of ſecreſy, informed the houſe, that the earl of Jerſey having in the king's name called them together, the treaty was read to them; and that they excepted to ſeveral things in it, but they were told, that his majeſty had carried the matter as far as was poſſible, and that he could obtain no better terms. That therefore when they were thus aſſured, that no alterations could be made, but that every thing was ſettled, they gave over inſiſting on particulars, and only adviſed, that his majeſty might not engage himſelf in any thing, that would bring on a new war, ſince the nation had been ſo uneaſy under the laſt. This was carried to the king, and that, a few days after, he told ſome of them, that he was made acquainted with their exceptions; but, how reaſonable ſoever they were, he had driven the matter as far as he could. The earl of Pembroke ſaid to the houſe of lords, he had offered the king thoſe advices, that he thought were moſt for his ſervice, and

(b) There was ſo great warmth in the debates of the commons concerning this treaty, that more than one of the members broke in upon common decency and good manners to a high degree. Seymour, Bolles, and others compared the dividing 'another 'man's kingdom to robbing on 'the highway.' It was called, by Howe, a 'felonious treaty,' which, as the report then was, the king ſo highly reſented, that he dropped an expreſſion, ſignifying, that if the diſparity of their condition had not reſtrained him, he would have demanded the ſatisfaction of him, which all gentlemen have a right to demand of one that gives the lye.

for

for the good of the nation; but that he did not think himſelf Will. III.
bound to give an account of that to any other perſons. He 1700-1.
was not the perſon aimed at; for which reaſon there was no-
thing ſaid, either againſt him, or the earls of Marlborough
or Jerſey. Upon this the debate went on. Some ſaid, this
was a mockery, to aſk advice, when there was no room for
it. It was anſwered, that the king had aſked advice of his
priv-council, and they had given it; but that, ſuch was the
royal prerogative, that it was ſtill free to him to follow it or
not, as he ſaw cauſe.

In concluſion, after three days debate, the houſe of lords re- The lords addreſs about it. Pr. H. L. II. 25.
ſolved to ſet out this matter in an addreſs to the king, complain-
ing both of the partition treaty, and of the method, in which it
had been carried on. The lord Wharton moved an addition
to the addreſs, that, whereas the French king had broke that
treaty, they ſhould adviſe his majeſty to treat no more with
him, or rely on his word, without a real ſecurity. This was
much oppoſed by all thoſe, who were againſt engaging in a
new war: They ſaid all motions of that kind ought to come
from the houſe of commons; who only could ſupport ſuch an
advice, which did in effect engage us in a new war; nor
could they lay the blame on the breaking of a treaty, which
they were reſolved to condemn. They alſo excepted to the
words Real Security as ambiguous; but the majority of the
houſe agreed to it, for there was ſuch treachery in the French
negotiations, that they could not be relied on without a good
guarantee, and the pledge of ſome ſtrong places. It now
plainly appeared, that the deſign was to ſet on the houſe of
commons to impeach ſome lords, who had been concerned in
the partition treaty; for it was moved to ſend the addreſs to
the commons for their concurrence, but that was not carried.
The addreſs was to this effect: "That their lordſhips, ha-
"ving conſidered the treaty of the 21ſt of February, or the
"15th of March 1700, made with the French king, toge-
"ther with the ſeparate and ſecret articles, which his ma-
"jeſty had been pleaſed to communicate to them, did moſt
"humbly repreſent to him, that, to their great ſorrow, they
"found the matters thereof to have been of very ill conſe-
"quence to the peace and ſafety of Europe; for that, be-
"ſides the occaſion it might have given to the late king of
"Spain, to have made his will in favour of the duke of An-
"jou, if that treaty had taken effect; the prejudice to his
"majeſty and his ſubjects, and indeed to all Europe, by the
"addition of Sicily, Naples, ſeveral ports of the Mediterra-
"nean, the province of Guipuſcoa, and the duchy of Lor-

Will. III. 1700-1. "rain, had been not only very great, but contrary to the "pretence of the treaty itſelf, which was to prevent any umbrage that might have been taken, by uniting ſo many "ſtates and dominions under one head. That, by all the "informations they had had of that fatal treaty, they could "not find, that the verbal orders and inſtructions (if any "were given to his majeſty's plenipotentiaries) were ever "conſidered in any of his majeſty's councils; or that the "draught of that treaty had ever been laid before his majeſty, "at any meeting of his council, much leſs that it was ad-"viſed or approved of by any council or committee of coun-"cil. Wherefore they thought themſelves bound in duty to "his majeſty, and juſtice to their country, moſt humbly to "beſeech him, that, for the future, he would be pleaſed to "require and admit, in all matters of importance, the ad-"vice of his natural born ſubjects, whoſe known probity and "fortunes might give him and his people a juſt aſſurance of "their fidelity to his ſervice; and that, in order thereunto, "he would be pleaſed to conſtitute a council of ſuch perſons, "to whom his majeſty might be pleaſed to impart all affairs "both at home and abroad, which might any way concern "him and his dominions. For as intereſt and natural af-"fection to their country would incline them to wiſh the "welfare and proſperity of it much more than others, who "had no ſuch ties upon them; and as their experience and "knowledge of their country would alſo render them more "capable than ſtrangers, of adviſing his majeſty in the true "intereſts of it; ſo they were confident, that, after ſuch "large and repeated demonſtrations of his ſubjects duty and "affection, his majeſty could not doubt of their zeal in his "ſervice, nor want the knowledge of perſons fit to be em-"ployed in all his moſt ſecret and arduous affairs. And "that, ſince it appeared the French king's accepting of the "king of Spain's will was a manifeſt violation of that treaty, "they humbly adviſed his majeſty, in future treaties with "that prince, to proceed with ſuch caution, as might carry "a real ſecurity."

This addreſs being carried by the lord-keeper alone to Kenſington, who there found two or three of the lords in waiting, to make a ſhew of a houſe, it was preſented, on the 24th of March, to his majeſty, who anſwered, "That "it contained matter of very great moment; and that he "would always take care, that all treaties, he made, ſhould "be for the honour and ſafety of England." The king ſeemed to bear this cenſure of the treaty with his uſual cold-

Cole, p. 354.

neſs:

ness. And the new miniſters continued ſtill in his confidence, but he did the matter much to heart. Now he perceived the error he had fallen into, by the change he had made in the miniſtry. It was plain, they reſolved to govern him in every thing, and not to be governed by him in any one thing.

The king's meſſage about the French king's anſwer. Pr. H. C. III. 132.

On the 31ſt of March, the king acquainted the commons, "That having received an account from Mr. Stanhope, his "envoy at the Hague, that the French ambaſſador there had "declared, that the king his maſter had no other anſwer to re-"turn to the demand of the States-general, than that he was "ready to renew the treaty of Ryſwic, it being all the ſecurity "the States were to expect; and that he had no orders to give "any anſwer to his majeſty's envoy; but, if his majeſty had "any thing to demand, it might be done by his ambaſſador "at Paris, or the French miniſter at London; and that he "had no command to treat with any but the States. And "his majeſty having alſo received two reſolutions of the "States, and a memorial from their envoy in England, re-"lating to the ſhips they were ſending to join his majeſty's "fleet, and the ſuccours they deſired might be haſtened to "them, by virtue of the treaty of March 3, 1677; his ma-"jeſty had thought fit to communicate the whole to that "houſe, that they might be particularly informed of the pre-"ſent ſtate of affairs abroad, where the negotiations ſeemed "to be at an end, by the poſitive anſwer the French ambaſ-"ſador had given to the States, which his majeſty recom-"mended to the ſerious conſideration of that houſe, as a "matter of the greateſt weight and conſequence, and deſired "they would give him ſuch advice upon it, as might be for "their own ſecurity, and that of the States-general, and the "peace of Europe."

The commons advice upon it.

The commons, having taken this meſſage into conſidera-tion on the 2d of April, reſolved unanimouſly, "That the "humble advice of this houſe be given to his majeſty, to de-"ſire, that his majeſty will be pleaſed to carry on the nego-"tiations in concert with the States-general, and take ſuch "meaſures therein, as may moſt conduce to their ſafety; "and that his majeſty would purſue the treaty made with "the States-general the 3d of March, 1677; and to aſſure "him, that they would effectually enable him to ſupport the "treaty of 1677." By this treaty made by king Charles with the Dutch, England was bound to aſſiſt them with ten thouſand men, and twenty ſhips of war, if they were attacked. Though the king knew what the commons meant by confining him to the treaty of 1677, and ſpeaking in ge-

Will. III. 1700-1.

neral terms of his providing for their ſecurity, namely, to evade his deſire of forming a confederacy for a new war, without which he foreſaw France would never yield up any part of the Spaniſh monarchy; he returned, however, to their reſolution of advice, this ſoft anſwer, "That, accord-

The king's anſwer.

"ing to their advice, he had given orders to his envoy at "the Hague to carry on the negotiations in concert with the "States-general, and to take ſuch meaſures therein, as might "moſt conduce to their ſecurity. He thanked them for the "aſſurance they had given, that they would effectually ina-"ble him to ſupport the treaty of 1677; and told them, that "he would purſue the ſame, as they adviſed; and he did "not doubt, but the readineſs, which they had ſhewn upon "this occaſion, would very much contribute to the obtain-"ing ſuch a ſecurity, as was deſired."

Though the commons could not, upon this occaſion, be carried farther than to adviſe the king to purſue the treaty of 1677; the houſe of lords, however, addreſſed him to enter into leagues offenſive and defenſive with the emperor and other princes and ſtates, who were intereſted againſt the conjunction of the French and Spaniſh monarchies. This coldneſs and uncertainty in the Engliſh councils gave the French great advantages, in their negotiations both in Germany and Portugal. They tried the courts of Italy, but without ſucceſs; only the duke of Mantua conſented, that they ſhould make a ſhew, as if they had ſurprized him, and ſo force him to put Mantua into their hands. The pope and the Venetians would not declare themſelves. The former favoured the French, as the latter did the emperor, who began the war with a pretenſion on the duchy of Milan, as a fief of the empire, that devolved on him; and he was making magazines, both in Tirol and at Trent. The French ſeemed to deſpiſe all he could do, and did not apprehend, that it was poſſible for him to march an army into Italy. Both the king and the States-general preſſed him to make that attempt. The elector of Bavaria and ſome of the circles had agreed to a neutrality this year; ſo that there was no hope of doing much upon the Rhine; and the French were making the Italians feel, what inſolent maſters they were like to prove. This produced a general uneaſineſs among them, which determined the emperor to ſend an army into Italy under the command of prince Eugene. England was all this while very unwilling to engage; yet, for fear we ſhould at laſt ſee our intereſt ſo clearly, that we muſt have fallen into it, thoſe, who were practiſed on to embroil the nation, ſo that we might

Burnet.

not

not be in a condition to mind foreign affairs, ſet on foot a design to impeach the former miniſtry. Will. III. 1700-1.

In the mean time, a letter written in Latin came to the king from the king of Spain, giving notice of his acceſſion to the crown (a).

This letter was delivered by Torcy on the 19th of April, N. S. to the earl of Mancheſter at Paris, who deſired him, as count Tallard had left England, to tranſmit it to his maſter. It was dated, the day after king Philip entered into Spain; but the date and the letter were viſibly written at different times. The king ordered the letter to be read in the cabinet-council on the 13th of April; where there was a ſhort debate concerning it, but it was never brought into any further deliberation there. The earl of Rocheſter ſaw, that the king ſeemed diſtruſtful of him, and reſerved to him in the matter, and was highly offended at it. He and the reſt of the new miniſtry preſſed his majeſty to own the king of Spain, and to anſwer the letter; and, ſince the Dutch had done ſo, it ſeemed reaſonable that the king ſhould likewiſe do it. They prevailed at laſt, but with much difficulty. The thing was kept ſecret, and was not communicated to the privy-council or to the two houſes; nor did the king ſpeak of it to any of the foreign miniſters. The Paris Gazette gave the world the firſt notice of it. This, being carried in ſuch a manner, The king owns the king of Spain. Cole. Burnet.

(a) The tranſlation of the letter is as follows:

"Philip by the grace of God "king of Spain, both Sicilies, "&c. to the moſt potent prince "and lord William king of "Great Britain, &c. Our moſt "dear brother and couſin, "health and proſperity. Moſt "ſerene and moſt potent prince, "moſt dear brother and couſin; "ſince we are, after perfecting "of our journey, arrived at this "court, and have there taken "poſſeſſion of all the kingdom "and dominions belonging to "the crown of Spain, we will "not delay giving your ma-"jeſty notice of it, and to aſ-"ſure you at the ſame time, "that nothing is more deſired "by us than the cultivating of "a mutual friendſhip with your "majeſty and your crown, that "ſo we may by real ſigns let "your majeſty ſee the inclina-"tion of our mind, and that "we may alſo in this imitate "the examples of the moſt ſe-"rene kings, our predeceſſors, "always mindful of the welfare "of the Chriſtian world. Thus "may the moſt good and great "God bleſs your life with his "grace."

Your majeſty's moſt loving Brother,

Philip, king.

Given at our palace of Buen-Retiro, the 24 of March, 1701.

Joſeph M. de la Puerta.

Will. III. 1700-1. seemed the more ſtrange, becauſe his miniſtry had ſo lately condemned a former one, for not communicating the partition treaty to the council, before it was concluded; and yet had, in a matter of great conſequence, ſo ſoon forgot the cenſures, which they had thrown out ſo liberally upon the ſecrecy with which that matter had been tranſacted (b).

Cole, F. 373. The earl of Manchester, having received an account from Mr. ſecretary Vernon of his majeſty's anſwer to the king of Spain's letter, informed Torcy, the French miniſter, of it; and took notice of it to the Spaniſh ambaſſador, who did not know before, that his maſter had wrote to king William.

(b) His majeſtys letter to the king of Spain was likewiſe in Latin, and the tranſlation of it is as follows:

"William the Third, by the "grace of God, king of Great "Britain, France, and Ireland, "defender of the faith, &c. to "the moſt ſerene and potent "prince, the lord Philip the "Fifth, by the ſame grace, "king of Spain, both Sicilies, "Jeruſalem, India, &c. arch-"duke of Auſtria, duke of "Burgundy, Brabant, and Mi-"lan, earl of Hapſburg, Flan-"ders, Tirol, &c. our moſt "dear brother and couſin, greet-"ing. Moſt ſerene and moſt "potent prince, brother, and "couſin, we have received your "majeſty's letter of the 24th of "March laſt, which was for "many reaſons very acceptable "to us, as well becauſe it gave "us notice of your happy arri-"val in your kingdom of Spain, "and of your coming to the "poſſeſſion of it, and taking "upon you the government of "the dominions thereunto be-"longing; as becauſe you have "aſſured us, that your majeſty "hath a mind, that the moſt an-"cient friendſhip and correſ-"pondence betwixt the two "crowns ſhall remain inviola-"ble. We have indeed wil-"lingly embraced this oppor-"tunity to congratulate your "majeſty, on your happy ac-"ceſſion to the crown of Spain, "and to certify to you how "much we value you; and "how great a deſire we have, "that your majeſty ſhould "know, that we will, with "great application, do all that "we can, that the mutual union "ſubſiſting betwixt us by trea-"ties and friendſhip be cloſer "united, and that the advan-"tages of both nations may "every day be more and more "promoted and flouriſh; which "we hope will alſo end in the "advantage and proſperity of "all Europe. For the reſt, we "recommend your majeſty to "the care and protection of "Almighty God. Given at "our palace at Kenſington, the "17th of April, in the year of "our Lord 170[illegible], and the 13th "of our reign."

Your majeſty's moſt
Loving Brother and Couſin,
William R.
James Vernon.

But

But the emperor's miniſter at Paris, ſoon hearing what had paſſed, expreſſed great ſurprize to the earl of Mancheſter, and ſaid, that this ſtep would diſcourage the emperor's friends. The earl anſwered, that it was no more than what the States-general had done, and that he ſaw how the empire itſelf was divided. Will. III. 1700-1.

Mr. Stanhope likewiſe complimented the Spaniſh ambaſſador at the Hague, upon the recognition of the king of Spain by king William; while monſieur d'Avaux, the French ambaſſador at the Hague, preſented an amuſing memorial to the States-general, ſetting forth, "That having tranſmitted their reſolution of the firſt of April to his maſter, wherein they deſired the negotiations might be reſumed, in conjunction with the king of England's envoy, for maintaining the peace of Europe, and providing for their own ſecurity; and that their lordſhips having at the ſame time declared, they wiſhed nothing ſo much, as that thoſe negotiations might be brought to a ſpeedy and good concluſion with his maſter; to whom he had given an account of the anſwer he gave their lordſhips concerning the admittance of the Engliſh envoy, and he had intirely approved the ſame, and was pleaſed with the aſſurances given by their lordſhips of the deſire they had to preſerve the peace. And, as his majeſty continued in the reſolution of maintaining the public tranquility, he would conſent to every expedient, that might conduce towards ſecuring the common good and repoſe of Chriſtendom; and that, in order thereunto, his majeſty had no ſooner been acquainted with their lordſhips deſign of renewing the conferences, but he had commanded his ambaſſador to reſume the ſame, and continue at the Hague." D'Avaux's memorial to the States. Apr. 19. N. S. Cole, p. 381.

Notwithſtanding this ſpecious declaration, the deſign of the French politics was ſtill to keep out the Engliſh envoy, and to engage the States to treat ſeparately. The Dutch deputies immediately apprehended their meaning by the ambiguity of the memorial, and therefore preſſed count d'Avaux to explain himſelf, letting him know at the ſame time, that the States would not enter into any negotiation with France, but in conjunction with England, their intereſts in this caſe being inſeparable; and that they muſt inſiſt upon a poſitive anſwer to that point, eſpecially now that his Britannic majeſty's owning the king of Spain had removed the principal objection, that was before inſiſted upon againſt treating with the miniſters of England. The French ambaſſador, to delay his anſwer, deſired time to ſend for new inſtructions to The States refuſe to treat but in conjunction with England.

Will. III. 1700-1. court, which they appeared no way forward to ſend him; their deſign being to draw the buſineſs into a conſiderable length; which gave them opportunity to ſtrengthen themſelves daily on the frontiers of Holland, and to ſecure the Milaneſe.

And preſs the king for ſuccours.

Two or three fruitleſs conferences paſſed at the Hague, wherein the French ambaſſador was ſtill attempting to draw in the States to treat alone, without the concurrence of England, which they would by no means agree to. His majeſty, in return, did all that lay in his power to aſſiſt them; for which end he ſent the three Scots regiments, retained in his own pay in Scotland, over into Holland. When the States had procured all poſſible ſupplies and reinforcements by their money and intereſt from princes abroad, and had exerted their power to the utmoſt at home, they wrote a letter to the king, to inform him how matters ſtood with them, and to deſire the troops to be ſent over to their aſſiſtance without delay, as ſtipulated by the treaty of 1677 (c). Upon which the king, on the 8th of May, ſent this meſſage to the houſe of commons.

" William

(c) This letter was as follows (Cole, p. 379.)

SIR,

After the proteſtations, which we have made to your majeſty, in our laſt letter, of the 23d of April, not to enter into any negotiation with France, but in concert with England, we have thought fit to aſk of the count d'Avaux, ambaſſador extraordinary of his moſt Chriſtian majeſty, if he was inclined and authorized to re-enter into the negotiation, in the manner it was begun, in conjunction with the miniſter of your majeſty; as you may ſee, by our reſolution of the 2d of this month, here annexed. Count d'Avaux, having ſent this to his moſt Chriſtian majeſty, preſented us, after the return of his courier, with the memorial, of which we join likewiſe a copy to this letter. We have immediately communicated it to Mr. Stanhope, envoy extraordinary from your majeſty, and, after having concerted with him about it, we found in the ſaid memorial, certain obſcurities, which made us doubt of its true ſenſe: For that reaſon we thought it neceſſary to ſhew the count d'Avaux the letter, which we did ourſelves the honour to write to your majeſty, on the 23d of April laſt, and our engagements to take no meaſures in the negotiation, but in concert with you. The count d'Avaux anſwered our deputies, That he was come hither only to treat about means to preſerve the general peace, and to eſtabliſh our particular ſecurity: That, if we concert on this with your majeſty, he had nothing to ſay againſt it; and that he was con-

William R.

"HIS Majeſty having lately received an account from Mr. Stanhope of the preſent poſture of affairs in Holland, and likewiſe a letter from the States-general, which is of the greateſt importance. And his majeſty, who has ſo perfect a knowledge of their country, being intirely

The king's meſſage to the commons on that account.

contented, that your majeſty's envoy ſhould aſſiſt at the conferences to be held about this; but that he was not at all authorized to enter into a negotiation with us, about the intereſts of England, which were to be treated of elſewhere. Upon this, our deputies repreſented, That, in the conferences about a general peace, you majeſty was equally concerned with us: That our ſecurity could not, by any means, be ſeparated from that of England: That the two nations had, in this, a common intereſt; and that we could not but look upon your majeſty as a principal party concerned, as much as we, in the preſent negotiations, without our injuring your majeſty. But, notwithſtanding ſeveral inſtances of our deputies, and all the reaſons they could alledge, count d'Avaux perſiſted in the forementioned anſwer, ſaying, That he had no other orders: That he would ſend our reſolution (of which your majeſty will here ſee the copy) to the court of France, without giving the leaſt hopes of an anſwer conformable to our ſentiments. Upon the report, which has been made to us, we have judged, that thus they would ſeparate the intereſts of England from thoſe of our republic. We look upon them as inſeparable; and, as it is a plain caſe that they are ſo, we could draw no other concluſion from this proceeding, but that, on the ſide of France, there was a deſign to end the conferences, and to conſent to none of the ſecurities demanded, which are ſo neceſſary to the preſervation of the kingdoms of your majeſty, and of our republic. We are obliged to give your majeſty notice of all this. We proteſt, that, our intereſts being the ſame with thoſe of your majeſty, in this negotiation, and inſeparable one from the other, we ſhall not ſuffer them to be divided in any manner. In the the mean while, Sir, we cannot but repreſent to you majeſty the preſſing occaſion we have to be aſſiſted, without loſs of time, if we will prevent the ruin we are threatened with, and the apparent danger, in which we are. You know, to the bottom, the ſtate of our affairs; and you can eaſily judge, if it be poſſible, in the ſituation, in which we are, to reſiſt forces ſo much ſuperior, as thoſe of France are. It is that which made us deſire, with ſo much earneſtneſs, the execution of the treaty, which received the approbation of the parliament, in the year 1678, betwixt king Charles II. of glorious memory, and this State.

We

Will. III. 1700-1. " intirely convinced of the hardſhips of their preſent condi-
" tion, and the great preſſures they now lie under, which
" are particularly expreſſed in their letter, has thought it ab-
" ſolutely neceſſary to communicate the ſame to this houſe;
" that the expectations the States have of preſent aſſiſtances
" from

We repeat, now, our moſt earneſt inſtances to have quickly the ſtipulated ſuccours, and the intire execution of the ſaid treaty. We flatter ourſelves, that your majeſty will make a ſerious reflection on the condition in which we are, particularly after the poſitive aſſurances, which you have given us, that the reſolutions of your parliament were to intereſt themſelves vigorouſly in our preſervation, and to aſſiſt us in the neceſſity, in which we are, by furniſhing the ſuccours we are agreed about. We will tell you, Sir, in what condition France puts itſelf; and your majeſty will judge, by that, if our fear, which re-animates our demands, be ill-founded. France, not contented with having taken poſſeſſion of all the places in the Netherlands, that remained to Spain, has thrown into them, and cauſes, actually, every day, formidable forces, to march thither. They draw a line from the Scheld, near Antwerp, to the Maeſe. They are going to begin to draw ſuch a line, according to our advices, from Antwerp to Oſtend. They ſend a numerous artillery into the places, that are neareſt to our frontiers. They make, with great diligence, many magazines in Flanders, in Brabant, in Guelderland, and at Namur, which they fill up with all ſorts of ammunition for war and ſubſiſtence, beſides the great ſtores of forage, which they gather from all parts. They build forts under the cannon of our places. Beſides they have worked, and work ſtill, continually, to draw the princes, that are our friends, from our intereſt, to make them enter into their alliance, or to engage them to a neutrality, at leaſt. In ſhort, by intrigues and diviſions in the empire, they make our friends uſeleſs, and increaſe thoſe of France. Thus we are almoſt ſurrounded, on all ſides, except on the ſide of the ſea. See here, Sir, without any diſguiſe, the true ſituation, to which we find ourſelves reduced, without adding any thing to what is fact. This makes us hope, that, as your majeſty underſtands our affairs perfectly well, you will agree with us, that at preſent our condition is worſe, than it was during the late war, and worſe than if we were actually at war; whilſt they make forts under the cannon of our ſtrong places, and lines along our frontiers, without our being able to hinder it, as we might do, if we were at war.

Theſe reaſons oblige us to put ourſelves in a ſtate of defence, more than if we were actually attacked, by overflowing our country, and even to cut the dikes, to ſecure our frontiers. We are forced to employ theſe means, and all thoſe

we

" from his majeſty, may more fully appear. And his ma- Will. III.
" jeſty does not doubt, but this houſe will be ſo juſtly ſenſi- 1700-1.
" ble of thoſe immediate dangers, to which they ſtand ex-
" poſed, as to take the ſame into their moſt ſerious and ef-
" fectual conſideration; it being moſt evident, that the ſafety
" of England, as well as the very being of Holland, does
" very much depend upon your reſolution in this matter."

This meſſage was conſidered the next day, and the commons reſolved, " That they will effectually aſſiſt his majeſty " to ſupport his allies, in maintaining the liberty of Europe, " and will immediately provide ſuccours for the States- " general, according to the treaty of the 3d of March 1677." This reſolution being preſented to the king by the whole houſe, May the 10th, he gave them the following anſwer: The reſolution of the commons.

we could bear in an open war; ſo that our ſubjects ſuffer, already, more than they did, during the laſt war. Hitherto, the winter has ſerved us as a ſort of ſecurity. That ſeaſon is over, and we are at the brink of being invaded and overturned every moment, if we do not get prompt ſuccours. We promiſe ourſelves, Sir, that it will come from your ſide, eſpecially, ſince it has pleaſed your majeſty to aſſure us, that your parliament had taken reſolutions, that were favourable for us. As our neceſſity is preſſing, we pray you to conſider well the extremity in which we are, and the impoſſibility of avoiding our intire ruin, and the overthrow of our republic, if we are left in this condition. We believe, Sir, that the intereſts of England are ſo ſtrictly united with ours, that we would ſooner expoſe ourſelves to all hazards, than ſuffer, that they ſhould be ſeparated, or take any meaſures, but in concert with your majeſty. It is quite unneceſſary to repreſent to you, that the preſervation of your own kingdoms ought to induce you to prevent our ruin, whilſt we believe their loſs to be inſeparable from ours. The reaſons, Sir, are better known to you, than to us, as well as the fatal conſequences, to which we are expoſed, by leaving us in this condition. This convinces us, that your majeſty will direct every thing by your conſummate wiſdom, and the good intentions of your parliament, in ſuch a manner, as to ſhew to all Europe, that nothing is more advantageous to it, than the alliances with England, and its friendſhip. As for us, we expect, without delay, the accompliſhment of the above-named treaty: And, we pray God, Sir, to preſerve the ſacred perſon of your majeſty, in long health, and your dominions in a flouriſhing proſperity.

Your majeſty's
Very humble ſervants,
The States-General
Hague, May 23, 1701. of the United Provinces of the Netherlands.
J. Van Wicher.
By their order, F. Fagel.

" Gentlemen,

"Gentlemen,

The king's answer.

"I Return you my hearty thanks for the ready assurances "you give me of providing immediate succours for the "States-general, and for the zeal you express for the com-"mon cause. I know nothing, that can be more effectual "for its support both at home and abroad than the unani-"mous concurrence which you have shewed upon this oc-"casion. And it will be a particular satisfaction to me, in "my time, to revive the glory, which the English nation "has formerly had, of maintaining the liberty and balance "of Europe."

The king likewise communicated the letter from the States-general to the house of lords, who, on that occasion, presented this address on the 14th of May:

The lords address upon the States letter.

"WE your majesty's most dutiful and loyal subjects, the "lords spiritual and temporal in parliament assem-"bled, return your majesty our most humble thanks, for "communicating to us the letter from the States-general "to your majesty. It gives us an opportunity (with great "satisfaction) to repeat to your majesty the assurances of our "duty, and zeal for your service. And we take this occa-"sion further to assure your majesty, we are very sensible of "the great and imminent danger, to which the States-general "are at present exposed. And we do perfectly agree with "them in believing, that their safety and ours are so insepa-"rably united, that whatsoever is ruin to the one, must be "fatal to the other. And we humbly desire your majesty "will be pleased, not only to make good all the articles of "any former treaty to the States-general, but that you will "enter into a strict league offensive and defensive with them, "for our common preservation; and that you will invite "into it all princes and states, who are concerned in the "present visible danger, arising from the union of France "and Spain. And we further desire your majesty, that you "will be pleased to enter into such alliances with the empe-"ror, as your majesty shall think fit, pursuant to the ends of "the treaty of 1689. Towards all which, we assure your "majesty of our hearty and sincere assistance, not doubting, "but, whenever your majesty shall be obliged to engage for "the defence of your allies, and the securing the liberty and "quiet of Europe, Almighty God will protect your sacred "person in so righteous a cause; and that the unanimity, "wealth, and courage of your subjects, will carry your ma-

"jesty,

" jeſty, with honour and ſucceſs, through all the difficulties Will. III.
" of a juſt war. And in the laſt place, with great grief, we 1700-1.
" take leave humbly to repreſent to your majeſty, that the ———
" dangers to which your kingdoms and your allies have been
" expoſed, are chiefly owing to the fatal counſels, that pre-
" vented your majeſty's ſooner meeting your people in parlia-
" ment."

To this the king returned the following anſwer:

" My lords,

" I Thank you for the expreſſions you make of your duty The king's
" and zeal to my ſervice, and the concern you ſhew for anſwer.
" the imminent danger to which the States-general are at
" preſent expoſed. I ſhall take into conſideration your de-
" ſires to me, of entering into new meaſures with them and
" other princes and ſtates, for our common preſervation.
" And you may be ſure, it ſhall be always my care to make
" ſuch alliances with our neighbours, as may tend to our
" own and their greateſt ſecurity; which will be the moſt
" effectual means to raiſe the honour of the Engliſh nation,
" in our days, to the reputation it hath maintained in any
" former times."

CHAP.

CHAP. II.

The old Miniſtry impeached—Proceedings thereon—They are acquitted—Remarks on the Proceedings—The Kentiſh Petition—Miſunderſtanding between the two Houſes—The Parliament is prorogued—The Earl of Marlborough made General of the Army abroad—The King's Speech to the States—A Memorial from France—The Anſwer—Treaty with Denmark—Prince Eugene marches into Italy—Several Negotiations—Affairs of Ireland—Death of K. James—His Character—His Son proclaimed by France—The Manifeſto—The Engliſh inflamed—A new Parliament—State of Affairs laid before the Commons—The Pretender attainted—Act of Abjuration—All for War—The King's projects—Affairs in Ireland—The King's Letter for an Union with Scotland—The King's Illneſs and Fall from his Horſe—His Death and Character.

The old miniſtry impeached. Burnet.

THE deſign of impeaching the former miniſtry was now beginning to be executed. The handle for bringing it about was given by the earl of Portland. When he was excuſing his own part in the partition treaty, he ſaid, That having withdrawn himſelf from buſineſs, and being at his country-houſe in Holland, the king ſent for him, deſiring him to enter upon that negotiation. Upon this, he wrote to ſecretary Vernon, to aſk his advice, and the advice of his other friends, whether it was fit for him to meddle in that matter, ſince his being by birth a foreigner ſeemed a juſt excuſe for not engaging in an affair of ſuch conſequence. To this the ſecretary anſwered, that all his friends thought he was a very proper perſon to be employed in that treaty, ſince he had known the progreſs of all thoſe treaties, and the perſons who were employed on that occaſion; and he named the lord Sommers among thoſe who had adviſed this. The earl of Portland had miſtaken this circumſtance, which did not belong to the laſt partition treaty, but to that of the year before, in favour of the electoral prince of Bavaria. The houſe

houſe of commons hearing of this, required ſecretary Ver- Will. III.
non to lay before them that letter, with his anſwer to it; for 1700-1.
the earl of Portland ſaid, that he had left all papers relating to that matter in Holland. The ſecretary ſaid, he had received no ſuch letter in the year 1699; but that led them to inquire farther, and they required him to lay before them all the letters he had, relating to both the treaties of partition. He anſwered, that thoſe were the king's ſecrets, writ in confidence by the perſons whom he employed. But as in ſuch a caſe a houſe of commons will not be put off, and a denial rather raiſes in them more earneſtneſs in following their point; it was replied, that the king had diſpenſed with the oath of ſecrecy, when he ordered all matters to be laid before them; and they would admit of no excuſe. The ſecretary upon this went to the king, and told him, ſince theſe were his ſecrets, he was ready to expoſe himſelf to the indignation of the houſe, and to refuſe to ſhew his letters. But the king anſwered, that his refuſing to do it would not only raiſe a ſtorm againſt himſelf, from which he could not protect him, but likewiſe occaſion an addreſs to the king, to order him to lay every thing before the houſe, which, in the ſtate that things were in then, he could not deny. The ſecretary, upon theſe orders given him at two different times, carried all the letters, and laid them before the houſe of commons.* It appeared by theſe, that he had communicated the treaty to the king's miniſters, who were in town, about the end of Auguſt 1698: That lord Sommers being then at Tunbridge, he went to him; and that he had communicated the project both to the earl of Orford and lord Halliſax. Several objections were made by them to many parts of the treaty, which were mentioned in the ſecretary's letters; but, if better terms could not be had, they thought it was more eligible to conclude the treaty, than to leave the Spaniſh monarchy to be over-run by France, or to involve Europe in a new war. Lord Sommers had alſo put the great ſeal to blank powers for concluding this treaty. When all this was read, thoſe who were ſet on to blow up the flame, moved the houſe to impeach ſome of the miniſters, who had been concerned in this tranſaction; yet in this they proceeded with ſo viſible a partiality, that though the earl of Jerſey had ſigned the treaty, and had been ambaſſador in France, and ſecretary of ſtate while the partition treaty was negotiating; yet he, having joined himſelf to the new miniſtry, was not queſtioned about it. The party ſaid, that he had been too

eaſily

Will. III. 1700-1.

easily drawn into it, but that he was not in the secret, and had no share in the councils that projected it.

On the first of April the house of commons resolved, 'That William, earl of Portland, by negotiating and concluding the treaty of partition, (which was destructive to the trade of this kingdom, and dangerous to the peace of Europe) is guilty, and shall be impeached, of high crimes and misdemeanors.' And they ordered Sir John Levison Gower to go up to the lords, and at their bar to impeach the earl, and to acquaint their lordships, that they will in due time exhibit particular articles against him. They then appointed a committee to draw up articles of impeachment (d); and desired a conference with the lords, at which the commons delivered this paper to the lords:

The earl of Portland impeached.

"It appearing by your lordships journal, that your lordships have received information of some transactions between the earl of Portland and Mr. secretary Vernon, relating to the partition of the Spanish monarchy; the commons, having the said matter under their consideration, desire your lordships will be pleased to communicate to the commons what informations your lordships have had of any transactions relating to any negotiations or treaties of partition of the Spanish monarchy, by letter or otherwise. And the commons are fully assured, that your lordships will readily concur in assisting them in this inquiry, which they conceive absolutely necessary for the

(d) The committee were as follow:

Mr. Finch,
Sir Christopher Musgrave,
Sir Godfrey Copley,
Sir Thomas Powys,
Lord Mordaunt.
Mr. Bridges,
Sir Edward Seymour,
Sir John-Levison Gower,
Col. Granville.
Sir Humphry Mackworth,
Sir Bartholomew Shower,
Mr. Howe,
Mr. Hammond.
Mr. St. John,
Dr. Davenant,
Sir William Coryton,
Mr. Conyers,
Mr. Gwyn,
Mr. Bromley,
Mr. Harley,
Sir Joseph Tredenham,
Sir Thomas Meers,
Mr. Brotherton,
Mr. Bertie,
Mr. Dolben,
Mr. Attorney-general,
Sir Rowland Gwyn,
Mr. Harcourt,
Mr. Winnington,
Mr. Scobel,
Mr. Paget,
Mr. Tredenham.

safety

"safety and honour of this kingdom, and the preservation Will. III.
"of the peace of Europe." 1700-1.

Upon this, the lords ordered to be delivered to the commons the two Latin commissions of powers granted to the earls of Portland and Jersey, for negotiating the treaties; one dated the 1st of July 1699, and the other on the 2d of January 1700, with the paper of the earl of Portland's, relating to his correspondence with secretary Vernon about the first treaty.

But, though the earl of Portland was touched first, the chief design was against the earl of Orford, and the lord Sommers and Hallifax. Their enemies tried again what use could be made of captain Kidd's business, who had been taken, and brought over. He was examined by the house of commons; but either he could not lay a probable story together, or some remnants of honesty, raised in him by the near prospect of death, restrained him. He accused no person of having advised or encouraged his turning pirate. He had never talked alone with any of the lords, and never at all with lord Sommers. He said, he had no orders from them, but to pursue his voyage against the pirates in Madagascar. All endeavours were used to persuade him to accuse the lords: he was assured, that, if he did it, he should be preserved; and, if he did it not, he should certainly die for his piracy (a); yet this could not prevail on him to charge them Kidd is tampered with, and executed.

(a) The author of the 'Full Account of the Proceedings in relation to Captain Kidd,' published in 1701, and reprinted in the third volume of the 'State Tracts, during the Reign of King William,' has the following passage in his second letter: "Kidd was a fellow, "whose actions did not only "shew, that death must needs "be terrible to him, but that "he was not like to stick at "any thing, upon the account "of conscience, to avoid it; "and therefore, probably, "would set himself to work, as "soon as he saw his certain "danger. This is not a mere "conjecture, but it is proved by "Sir Edward Seymour's so "greedily laying hold of that "information, which he made "to the house, on Monday, "March 31, viz. That he had "a letter from Kidd, wherein "he desired to be brought up, "having something to say to "the house. His manner of "opening it, and the warmth "with which it was seconded "by a well-spoken gentleman, "whose tongue, the earl of "Bellamont says, in one of his "letters, is as foul and corrupt "as his breath, raised every "one's expectations; and you "may be sure, Kidd was sent "for immediately. But being "come and heard, the poor "crea-

Will. III. 1700-1. them; ſo that he, with ſome of his crew, were hanged on the 23d of May 1701, there appearing not ſo much as a colour

" creature had nothing to ſay, " which, in any ſoft anſwered " the expectations of thoſe who " gave the information, or were " ſo forward to ſend for him, " and thereupon he was re- " manded. Sir Edward Sey- " mour had ſuch indignation at " his diſappointment, that he " declared, The fellow was a " fool, as well as a rogue; and " that he would never credit " what he ſhould ſay hereafter. " To ſpeak the truth, it was no " fault of that gentleman's that " Kidd ſaid no more to the pur- " poſe. He watched his bring- " ing up, and preſently got to " him alone, in the room where " he was kept. Their conver- " ſation, through God's mercy, " was quickly interrupted. Two " worthy merchants, who heard " that Sir Edward Seymour was " alone with Kidd, had ſo much " ſenſe of his behaviour through- " out that whole matter, and " ſo juſt an abhorrence of ſuch " a practice, that they ruſhed " immediately into the room, " and put an end to the privacy. " But, if there be a curioſity of " knowing what paſſed in that " little time it laſted,' the miſ- " treſs of the tavern at Cha- " ring-croſs, where Kidd ſtaid " a little while, and he was " carried back to Newgate that " morning, and the keeper, " who took care of him, and " drank with him, are both " alive, and can tell what Kidd " naturally related of that ſhort " converſation, ſoon after it was " over. I think I ought to tell " you, how Sir Edward Sey- " mour came to make this miſ- " take, in procuring Kidd to " be ſent for thus fruitleſsly, " that you may the better ſee " his zeal to make ſomewhat " more than he could find. For " though he told the houſe " he had a letter from Kidd, " that was but a mending the " ſtory, to give the more " expectation of what was to " come; and therefore you will " obſerve care was taken to " omit any mention of a letter " in the printed votes." The fact was thus: " When Kidd " was brought up the firſt time, " he became indebted to one " Kiſtdale, a coffee-man, near " the houſe of commons, in ſe- " ven or eight ſhillings. The " coffee-man and his ſon went " to him to Newgate, on the " Sunday, to demand the debt, " and drinking together, Kiſt- " dale ſaid to Kidd, 'You are " a fool to be hanged for any " body, and you may certainly " ſave your life, if you can ſay " any thing againſt the lord " Orford, and the lord Som- " mers.' Kidd replied, 'I will " hang for no body, and I am " reſolved to ſpeak all I know.' " Kiſtdale and his ſon went im- " mediately with this ſtory to " Sir Edward Seymour, and " upon that he founded the in- " formation he gave the houſe, " which he called the receiving " a letter; whether the coffee- " man acted by order in talking " ſo to Kidd, or whether he " only gueſſed where he ſhould

be

colour to faſten any imputation on thoſe lords. However, their enemies tried what uſe could be made of the grant of all

Will. III. 1700-1.

" be welcome with a bad ſtory, " I know not. Sir Edward " Seymour little knew himſelf, " when he ſaid he would never " credit Kidd again. He was " ſo unwilling to let this matter " end without more prejudice " and reflection on thoſe whoſe " ruin he wiſhed, that ten days " after, he and his good-na- " tured friend were engaged in " bringing another yet more " impertinent ſtory before the " houſe. He informed them, " that Kidd, ſince his being in " Newgate, had been in ſome " other place beſides the houſe " of commons; this occaſioned " a new examination of all the " keepers of Newgate. But " there alſo followed a diſap- " pointment, it proving to be a ri- " diculous as well as a falſe tale, " and ended only in the confuſion " of thoſe whoſe malice and de- " ſire to oppreſs innocence could " never end. The ſtory is as fol- " lows: One Symmonds, who " had been formerly an officer " in the marine regiments, and " lives now as he can, told Sir " Edward Seymour and Mr. " John Howe, that one Stock- " dale told him, that the firſt " time Kidd was brought up to " the houſe, as he was going " back to Newgate, he was " carried to the lord Halifax's " houſe in Weſtminſter. Stock- " dale ſaid, he ſaw him there, " together with that lord and " the lord Sommers; incredi- " ble ſtupidity and effrontery! " My author proceeds, if you " would know the quality of this " Stockdale, he is a poor fellow " that waits at an alehouſe at " Charing-Croſs, to be ſent on " errand, but was brother to a " maid-ſervant in my lord Hal- " lifax's family; by pretence of " which, he uſed very often to " get victuals there, and ſo " knew the way into the houſe. " Upon the examination of theſe " two fellows, procured by " Seymour and Howe, it ap- " peared it was not poſſible the " tale ſhould be true, becauſe " all that day, hundreds of peo- " ple followed Kidd wherever " he went, ſo that this interview " muſt have been a very public " one. If the gentlemen, who " thought fit to give this nota- " ble information to the houſe " of commons, had not been " blinded with malice, they " muſt have ſeen the folly of it. " Was it probable that one of " thoſe lords, who was wholly " unconcerned in the buſineſs of " Kidd, ſhould ſo unneceſſarily " deſire his company at his " houſe on ſo remarkable a day? " Or was it poſſible to believe, " that the other of theſe lords " who certainly thought him- " ſelf not a little fortunate, that " Kidd, upon all his examina- " tions had declared he had ne- " ver ſeen him, would begin an " acquaintance with him at that " time? I have told you, that " this third inquiry vaniſhed in- " to ſmoke: and I cannot for- " bear obſerving to you, that " it ended without any cenſure

Will. III. 1700-1. all that captain Kidd might recover from the pirates, which ſome bold and ignorant lawyers affirmed to be againſt law. This matter was therefore, for the fourth time, debated in the houſe of commons; and the behaviour of thoſe peers in it appeared ſo innocent, ſo legal, and, in truth, ſo meritorious, that it was again let fall. The inſiſting ſo much on it ſerved to convince all people, that the enemies of theſe lords wanted not inclinations, but only matter to charge them, ſince they made ſo much uſe of this. But ſo partial was a great part of the houſe, that the dropping this was carried only by a ſmall majority. When one deſign failed, another was ſet up.

Lord Sommers heard by the commons. Burnet.

It was pretended, that by Vernon's letters it was clearly proved, that the lord Sommers had conſented to the partition treaty; ſo, a debate coming on in the houſe of commons concerning that, lord Sommers deſired he might be admitted to give an account of his ſhare in it. Some oppoſition was made to this, but, as it had been always granted, it could not be denied him. He had obtained the king's leave to tell every thing: ſo that, when he appeared before the houſe, he told them, the king had writ to him, that the ſtate of the king of Spain's health was deſperate; and that he ſaw no way to prevent a war, but to accept of the propoſition, which the French made for a partition. That the king ſent him the ſcheme of this, and ordered him to communicate it to ſome others, and to give him both his own opinion and theirs concerning it, and to ſend him over powers for a treaty, but in the moſt ſecret manner poſſible. Yet his majeſty added, that, if he and his other miniſters thought that a treaty ought not to be made upon ſuch a project, then the whole matter muſt be let fall, for he could not bring the French to better terms. Lord Sommers upon this ſaid, that he thought it was the taking too much upon himſelf, if he ſhould have put a ſtop to a treaty of ſuch conſequence. If the king of Spain had died before it was finiſhed, and the blame had been caſt on him for not ſending the neceſſary powers, becauſe he was not ordered to do it by a warrant in full form, he could not have juſtified that, ſince the king's letter was really a warrant, and therefore he thought he was bound to ſend the powers that were called for, which he had done. But at the ſame time he wrote his own opinion very fully to his majeſty, objecting to many particulars, if there was

" or indignation expreſſed a- " gainſt thoſe who conſtinued to " act a part ſo ſhameleſsly ma- " licious."

was room for it, and propoſing ſeveral things, which, as he thought, were for the good and intereſt of England. That, ſoon after the powers were ſent over by him, the treaty was concluded, to which he put the great ſeal, as he thought he was bound to do; and that in this, as he was a privy-counſellor, he had offered the king his beſt advice, and, as he was a chancellor, he had executed his office according to his duty. That as for putting the ſeal to the powers, he had done it upon the king's letter, which was a real warrant, though not a formal one; that he had indeed deſired, that a warrant in due form might be ſent him for his own ſecurity; but he did not think it became him to endanger the public, only for want of a point of form, in ſo critical a time, wherein great diſpatch was requiſite. Having finiſhed what he had to ſay, the ſpeaker aſked him the queſtion, which had been reſolved before his admiſſion, "Who had informed him, that there "was a debate in the houſe about him?" To which he anſwered, "That he was ſtrangely ſurprized at a queſtion, "that he never knew was put to any man, that came to de- "ſire the favour of being heard; and that, if that queſtion "was aſked to bring the leaſt prejudice to any man in En- "gland, he would not only be content to lie under the cen- "ſure of the houſe, but ſuffer the worſt thing that might be- "fall him upon earth, rather than do ſuch a diſhoneſt "thing." He then withdrew, but came back immediately, and deſired to leave with the houſe the king's letter to him, and the copy of his anſwer; which, he acquainted the houſe, he had leave to lay before them. His defence of himſelf was ſo full and clear, that it was believed, if, upon his withdrawing, the queſtion had been quickly put, the whole matter had been ſoon at an end, and the proſecution let fall. But his enemies drew out the debate to ſuch a length, that the impreſſion which his ſpeech had made was much worn out; and, the houſe ſitting till it was paſt midnight, they at laſt carried this reſolution, by a majority of ſeven or eight, "That John lord Sommers, by adviſing his majeſty, in the "year 1698, to the treaty for partition of the Spaniſh mo- "narchy, whereby large territories of the king of Spain's "dominions were to be delivered up to France, is guilty of "a high crime and miſdemeanor." And the houſe ordered Mr. Simon Harcourt to go up to the lords, and impeach him. Immediately after they reſolved, "That Edward earl "of Orford, and Charles lord Halifax, be, for the ſame "reaſons, impeached of high crimes and miſdemeanors."

Will. III. 1700-1.

Journal of the houſe of commons.

Vote againſt him. Pr. H. C. III. 134.

And the lords Orford and Halifax, Apr. 15.

Will. III. 1700-1. Accordingly, the general impeachment was brought up the next day, againſt all three, to the bar of the houſe of lords.

Contrary addreſſes of the two houſes. Burnet.

The commons were very ſenſible, that thoſe impeachments muſt come to nothing, and that they had not a majority in the houſe of lords to judge in them as they ſhould direct. They reſolved therefore on a ſhorter way, to fix a ſevere cenſure on the lords, whom they had thus impeached. They voted an addreſs to the king, for removing them from his council and preſence for ever; which was preſented by the houſe on the 23d of April, in theſe terms:

"Moſt gracious ſovereign,

Pr. H. C. III. 137. "WE, your majeſty's moſt dutiful and loyal ſubjects, "the commons in parliament aſſembled, do humbly crave leave to repreſent to your majeſty the great ſatisfaction we have from our late enquiry concerning the treaty of partition, made in the year 1698, (on which the treaty of 1699 was founded), to ſee your majeſty's great care of your people and this nation, in not entering into that negotiation without the advice of your Engliſh counſellors: and finding, that John lord Sommers, on whoſe judgment your majeſty did chiefly rely in that ſo important affair, did, in concert with Edward earl of Orford, and Charles lord Hallifax, adviſe your majeſty to enter into that treaty, of ſo dangerous conſequence to the trade and welfare of this nation; and who, to avoid the cenſure, which might juſtly be apprehended to fall on thoſe who adviſed the ſame, endeavoured to inſinuate that your majeſty, without the advice of your counſel, entered into that treaty, and under your ſacred name to ſeek protection from what themſelves had ſo adviſed; of which treatment of your majeſty, we cannot but have a juſt reſentment. And, that they may be no longer able to deceive your majeſty, and abuſe your people, we do humbly beſeech your majeſty, that you will be pleaſed to remove John lord Sommers, Edward earl of Orford, and Charles lord Hallifax, from your council and preſence for ever; as alſo William earl of Portland, who tranſacted theſe treaties, ſo unjuſt in their own nature, and ſo fatal in their conſequences to this nation and the peace of Europe. And we humbly crave leave, upon this occaſion, to repeat our aſſurances to your majeſty, that we will always ſtand by and ſupport your majeſty, to the utmoſt of our power, againſt all your enemies both at home and abroad."

To

To this addreſs the king returned this anſwer:

"I am willing to take all occaſions of thanking you very "heartily for the aſſurances you have frequently given "me, and now repeat, of ſtanding by and ſupporting me "againſt all our enemies both at home and abroad; towards "which, nothing, in my opinion, can contribute ſo much "as a good correſpondence between me and my people. "And therefore you may depend upon it, that I will em- "ploy none in my ſervice, but ſuch as ſhall be thought moſt "likely to improve that mutual truſt and confidence between "us, which is ſo neceſſary in this conjuncture, both for our "own ſecurity, and the defence and the preſervation of our "allies."

Such an addreſs had never gone along with an impeach- Remarks on this addreſs.
ment before. The houſe of commons had indeed begun ſuch a practice in king Charles the Second's time. When they diſliked a miniſter, but had not matter to ground an impeach- ment on, they had taken this method of making an addreſs againſt him; but it was a new attempt to come with an addreſs after an impeachment. This was puniſhing before trial, contrary to an indiſpenſible rule of juſtice, of not judging before the parties were heard. The houſe of lords ſaw, that this made their judicature ridiculous, when, in the firſt in- ſtance of an accuſation, application was made to the king for a cenſure, and a very ſevere one, ſince few miſdemean- ors could deſerve a harder ſentence. Upon theſe grounds the lords prevented the commons, and ſent ſome of their body to the king with this counter-addreſs:

"WE your majeſty's moſt loyal and dutiful ſubjects, "the lords ſpiritual and temporal in parliament aſ- "ſembled, beg leave to repreſent to your majeſty, that the "houſe of commons have ſeverally impeached, at the bar of "our houſe, William earl of Portland, John lord Sommers, "Edward earl of Orford, and Charles lord Halifax, of high "crimes and miſdemeanors. —— We do moſt humbly be- "ſeech your majeſty, that your majeſty will be pleaſed not "to paſs any cenſure upon them, until they are tried "upon the impeachments, and judgment be given accord- "ing to the uſage of parliament, and the laws of the "land."

Will. III. 1700-1.

The king made no other anſwer to this addreſs, than by letting the names of the impeached lords continue ſtill in the council-books, contrary to the addreſs of the commons. As this ſeemed to be a refuſing to grant what they had deſired, though it was but a peace of common juſtice, it was complained of, and it was ſaid, that theſe lords had ſtill great credit with the king. The commons had, for form ſake, ordered a committee to prepare articles of impeachment, but they intended to let the matter lie dormant, thinking that what they had done already, had ſo marked thoſe lords, that the king could not employ them any more; for that was the chief thing they aimed at.

Proceedings upon the impeachments.

Accordingly, the impeachments lay long neglected in the houſe of commons, and probably would have been dropped, if the lords concerned had not moved for a trial. On their motion, on the 5th of May, a month and five days after the impeachment of the earl of Portland, and twenty-one days after that of the other three lords, the houſe of lords, to quicken the proceedings of the commons, ſent them a meſſage to put them in mind, that, as yet no particular articles had been exhibited againſt the impeached lords; which, after impeachments had been ſo long depending, was due in juſtice to the perſons concerned, and agreeable to the methods of parliament in ſuch caſes. Upon this articles were framed againſt the earl of Orford, and, on the 9th of May, were ſent up to the lords by colonel Bierly, who, by order of the commons, demanded that the earl ſhould give ſecurity to abide the judgment of the houſe of lords; but, after inſpecting the journals, the commons were told that there was no precedent of giving any ſuch ſecurity upon an impeachment of high crimes and miſdemeanors.

Articles againſt the earl of Orford.

In the articles, the earl was charged for taking great grants from the king; Kidd's buſineſs was objected to him; he was alſo charged for abuſes in managing the fleet, and victualling it, when it lay on the coaſt of Spain, and for ſome orders he had given during his command, and, in concluſion, for his adviſing the partition treaty. And, in ſetting this out, the commons urged, that the king, by the alliance made with the emperor in the year 1689, was bound to maintain his ſucceſſion to the crown of Spain, which they ſaid was ſtill in force; ſo the partition treaty was a breach of faith, contrary to that alliance; and this paſſ current in the houſe of commons, without any debate or enquiry into it; for every thing was acceptable there, that loaded that treaty, and theſe lords: but they did not conſider, that by this they de-

declared, they thought the king was bound to maintain the emperor's right to that ſucceſſion; yet this was not intended by thoſe who managed the party, who had not hitherto given any countenance to the emperor's pretenſions: ſo apt are parties to make uſe of any thing that may ſerve a turn, without conſidering the conſequences of it. Will. III. 1700-1.

The earl of Orford put in his anſwer in four days; he ſaid he had no grant of the king, but a reverſion at a great diſtance, and a gift of ten thouſand pounds, after he had defeated the French at la Hogue, which he thought he might lawfully accept of, as all others before him had done: he opened Kidd's matter, in which he had acted legally, with good intentions to the public, and to his own loſs: his accounts, while he commanded the fleet, had been all examined and were paſt; but he was ready to wave that, and to juſtify himſelf in every particular, and he denied his having given any advice about the partition treaty; this was immediately ſent down to the commons; but they let it lie before them, without coming to a replication, which is only a piece of form, by which they undertake to make good their charge (b). The earl of Orford's anſwer.

On

(b) If the reader deſires a larger account of the articles and anſwer, it is as follows:

I. That in a long and expenſive war, the earl had procured from his majeſty grants of ſeveral manors, meſſuages, &c. as alſo exorbitant ſums of money:

To which the earl anſwered, "That, he having for ſeveral "years rendered to the king his "utmoſt ſervice and duty, as a "good and loyal ſubject, his "majeſty was graciouſly pleaſed, upon ſeveral occaſions, "to take notice of the ſame, "and out of his wonted bounty "was pleaſed to give him two "grants, one a reverſionary "grant for years of ſome houſes; "the other a grant of the re"mainder of a groſs ſum a"mounting to about 2000 l. a "year for five years."

II. That, in breach of the truſt repoſed in him, whilſt he was commander in chief of the navy in or near the Streights of Gibraltar, he did receive great ſums of the public money, which he converted to his own private uſe, and unlawfully procured a privy-ſeal to diſcharge him from accounting to the public for the ſame. To which he anſwered, by denying the facts, and ſaying, "That he did make up, "and upon oath paſs his ac"counts for the monies impreſ"ſed to him, and had his Qui"etus eſt in due courſe of law "upon the ſame."

III. That he received from the king of Spain and others conſiderable ſums of money, and

Will. III. 1700-1. On the 19th of May, after another quickening meſſage from the lords, articles of impeachment were ſent up to the peers

Articles of impeachment againſt the lord Sommers.

and great quantities of wine, oil, and other proviſions for the fleet, for which he ought to have accounted; but that he converted the ſame to his own uſe; and, for ſecuring himſelf from rendering any account, he poſſeſſed divers great offices, inconſiſtent, and deſigned as checks one upon the other. To which the earl anſwered, "That whatever he received from the king of Spain, or any others, for the fleet, was duly delivered and diſtributed amongſt the officers and ſeamen; and he denied, that he enjoyed any offices inconſiſtent, or which ought to be checks one upon the other."

IV. That he hath clandeſtinely, contrary to the law of nations, ſold ſeveral veſſels taken under pretence of prize, without condemnation, and converted the money to his own uſe. To which he anſwered by denying the fact, and ſaying, "That he did from time to time give orders, that the prizes taken ſhould be carefully preſerved without embezzlement, and duly proceeded againſt, and the product anſwered as the law directs."

V. That he, preſiding in the commiſſion for executing the office of lord high admiral of England, had diſcouraged and rejected the requeſt and propoſal of the Eaſt-India company for ſuppreſſing piracies in the South-Seas; and had procured a commiſſion for one William Kidd, who had committed divers piracies and depredations on the high ſeas, being thereto encouraged through the hopes of being protected by the high ſtation and intereſt of the ſaid earl. To which he anſwered, "That he did never diſcourage or reject the company's requeſt, unleſs it were by telling them, that the admiralty by law could not grant the ſame: and as to the matter of Kidd, his commiſſion was according to law, and his expedition intended for the public good and ſervice; and, if he had committed any piracies, he is anſwerable for the ſame, he never being ordered or encouraged by the ſaid earl ſo to do."

VI. That, while the kingdom was under an apprehenſion of an immediate inveſion from France, he, preferring his hopes of gain to himſelf, to the ſafety of the public, did order captain Steward, commander of the Dutcheſs, to put on board captain Kidd a great number of able ſeamen, to the prejudice of the public ſecurity, and to the endangering the Dutcheſs, if ſhe had been attacked by the enemy. To which he anſwered, "That the men taken from on board the Dutcheſs were but ſome of the very perſons, that were juſt before taken from on board of captain Kidd, and returned by their own conſent again, not being above twenty in number, and that when all fears of an inVaſion were over."

VII.

peers againſt the lord Sommers, by Mr. Harcourt, and the demand for giving ſecurity to abide by their lordſhips judgment was repeated. Wilt. III. 1700-1.

In theſe articles the two partition treaties were copiouſly ſet forth, and it was laid down for a foundation, that the king was bound to maintain the emperor's right of ſucceſſion to the crown of Spain; lord Sommers was charged for ſetting the ſeals, firſt to the powers, and then to the treaties themſelves; he was alſo charged, for accepting ſome grants, and the manner of taking them was repreſented as fraudulent, he ſeeming to buy them of the king, and then getting himſelf diſcharged of the price contracted for; Kidd's buſineſs was alſo mentioned, and dilatory and partial proceedings in Chancery were objected to him. He put in his anſwer in a very few days: in the partition treaty, he ſaid, he had offered the king very faithful advice as a counſellor, and had acted according to the duty of his poſt, as chancellor; ſo he had nothing more to anſwer for: as for his grants, the king deſigned him a grant to ſuch a value, the king was not de-

VII. That during the war, he did by miſrepreſentations procure an order for his majeſty's ſhip the Dolphin, to be employed in a private voyage for the advantage of himſelf and others concerned with him. To which he anſwered, "That "what was done therein, was "done after the peace concluded, and by his majeſty's "command, at the inſtance and "requeſt of other perſons, contrary to his opinion."

VIII. That, during the time of his commanding the navy, he did, through neglect, and in contempt of orders, unneceſſarily hazard and expoſe the fleet, and loſe the opportunities of taking or deſtroying the French ſhips, and ſuffer them to return ſafe into their own harbours. To which he anſwered, "That he "is not guilty of any neglect or "omiſſion of his duty herein, "nor did expect in this particular to be charged therewith, "conſidering his faithful ſervices rendered againſt the "French fleet."

IX. That he did, in concert with other falſe and evil counſellors, adviſe the king, in the year 1698, to enter into one treaty for dividing the monarchy and dominions of Spain; in purſuance whereof, in 1699, another treaty was entered into for the like purpoſe: both which treaties were prejudicial to the intereſt of the Proteſtant religion all over Europe, ruinous to the trade of England, and diſhonourable to the king and the nation. To which he anſwered, "That he does deny, that he "did adviſe his majeſty to enter into the treaty of partition; "and, ſo far as he was any "ways acquainted therewith, "he objected to and gave his "opinion againſt the ſame." Pr. H. C. III. 147.

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Will. III. 1700-1.

ceived in the value; the manner of paſſing it was according to the uſual methods of the treaſury, in order to make a grant ſure, and out of the danger of being avoided. Kidd's buſineſs was opened, as was formerly ſet forth; and as to the court of chancery, he had applied himſelf wholly to the diſpatch of buſineſs in it, with little regard to his own health or quiet, and had acted according to the beſt of his judgment without fear or favour (c).

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(c) The following extract gives a larger account of this affair:

I. That John lord Sommers, well knowing the moſt apparent ill conſequences, as well as the injuſtice of the partition of the Spaniſh monarchy, did adviſe his majeſty to enter into a treaty for it, and did ſo far encourage and promote the ſame, that the ſaid treaty was concluded and ratified in 1698, under the great ſeal of England, then in cuſtody of the ſaid lord Sommers. To which his lordſhip anſwered, by a full and plain account of all the ſteps of that treaty, referring himſelf to the letters on that ſubject between the king and him, "wherein, as he conceived, he had fully and faithfully diſcharged his truſt, and the duty incumbent on him."

II. That, for the more effectual carrying on the ſaid treaty, commiſſions were prepared, amended, enlarged, or altered, by the lord Sommers, without any lawful warrant for his ſo doing; whereunto, without communicating the ſame to the reſt of the then lords juſtices of England, or adviſing with the privy-council, he did preſume to affix the great ſeal of England, with a blank for commiſſioners names, to be afterwards inſerted.

III. That, having affixed the great ſeal without lawful warrant, in hopes of concealing that evil and moſt dangerous practice, after he had ſettled the ſaid commiſſions, he uſed his endeavour to procure a warrant to be tranſmitted to him for affixing the great ſeal, that it might not be known, but that he had it in due time. To which ſecond and third articles he anſwered, "That having received his majeſty's expreſs commands to ſend his majeſty full powers under the great ſeal, for negotiating the ſaid treaty, with blanks for his majeſty's commiſſioners names, he thought it ſufficient warrant for him ſo to do. And that he did afterwards deſire his majeſty, that a particular warrant for ſigning the ſaid commiſſion might be ſigned and returned; not that he doubted his majeſty's ſaid letter to be a ſufficient warrant, but for that ſuch warrant would be more proper to be produced, if occaſion ſhould require."

IV. That, contrary to his duty, he affixed the great ſeal of England to the ratification of the ſaid treaty in 1698, not having communicated the ſame to the reſt of the three lords juſtices, or adviſed with the privy council, leaving

A copy of the lord Sommers's anſwer was, with great diſ- Will. III.
patch, ſent down to the commons, and upon that they were 1700-1.
at

leaving one entire blank ſheet, and many other blanks in the ſaid ratification, with an intent to be afterwards filled up by other perſons beyond the ſeas. To which he anſwered, "That "Mr. ſecretary Vernon having "prepared, by his majeſty's "commands, the inſtruments "for ratification, with blanks "therein, he did affix the great "ſeal, which he conceives and "is adviſed he might lawfully "do, not communicating the "ſame, becauſe he had his ma- "jeſty's command, that the ſaid "treaty ſhould be kept ſecret."

V. That, in the year 1699, another treaty of partition was concluded and ratified under the great ſeal, then in cuſtody of the ſaid lord Sommers, evidently deſtructive to the trade of this realm, dishonourable to his majeſty, highly injurious to the intereſt of the Proteſtant religion, and manifeſtly tending to diſturb the general peace of Europe, by altering the balance of power therein, and ſtrengthening France againſt the good friends and allies of our ſovereign lord the king. To which he anſwered, "That he had not any know- "ledge of the ſaid treaty, or "any tranſaction in order there- "unto, ſave only that a draught "of the ſaid treaty was read "over in the preſence of divers "lords of the privy council "(whereof he was one) to which "draught he, as well as others "then preſent, did make ſeve- "ral objections; but they were "afterwards informed by his "majeſty's plenipotentiaries for "tranſacting the ſaid treaty, "who were then alſo preſent, "that the ſaid treaty was ſo far "perfected, that nothing could "then be altered therein; and, "his majeſty afterwards, by his "warrant, requiring the rati- "fying of the ſaid treaty under "the great ſeal, he did affix "the great ſeal to ſuch ratifica- "tion, being, as he conceives, "obliged ſo to do."

VI. That whereas, by the laws and uſages of this realm, all commiſſions under the great ſeal, for the making any treaty or alliance, ought to be enrolled and entered on record in the court of Chancery, he, the ſaid lord Sommers, not minding the duty of his office, did not in any manner inroll or enter on record any of the ſaid commiſſions or ratifications. To which he anſwered, "That he con- "ceives it was not incumbent "upon him as lord chancellor, "to ſee the commiſſions or ra- "tifications enrolled, the ſame "being prepared and brought "to the great ſeal, by the ſe- "cretaries of ſtate, ready in- "groſſed, and, when ſealed, "taken away by them, and the "original treaties remaining in "their cuſtody; but the care of "inrolling the ſame, if neceſ- "ſary, doth (as he conceives) "belong to the prothonotary of "the court of Chancery."

VII. That the ſaid lord Sommers, contrary to his oath as lord chancellor of England, did paſs many, great, unreaſonable, and

Will. III. 1700-1.

at a full ſtand. At the motion of the earl of Orford, the lords, four days before, had alſo acquainted them, that the houſe

and exorbitant grants, under the great ſeal, of divers manors, lordſhips and lands, &c. belonging to the crown of England; and did adviſe, promote and procure divers like grants of the late forfeited eſtates in Ireland, in contempt of the advice of the commons of England. To which he anſwered, "That "he doth acknowledge he did "paſs ſeveral grants, to divers "perſons, of ſeveral lands, te-"nements and hereditaments "belonging to his majeſty in "right of his crown of En-"gland; but that, before any "of them came to the great ſeal, "the ſame were regularly paſ-"ſed through the proper offices, "and brought with ſufficient "warrants for the great ſeal; "and he believes, more conſi-"derable grants have paſſed "in the like number of years "in moſt of his predeceſſors "times; and conceives, and is "adviſed, that being required "by his majeſty, by warrant, to "paſs the ſame, he ought ſo to "do; and denies, that he did "ever adviſe, promote or pro-"cure any grant to be made to "any perſon whatſoever, of "any forfeited eſtate in Ireland, "or did procure any act or bill "prepared for confirming any "ſuch grant in the parliament "of Ireland, to be approved in "the privy council in England; "and ſaith, that what bills of "this nature were remitted un-"der the great ſeal of England, "to be paſſed into laws in Ire-"land, the ſame were firſt ap-"proved and paſſed in the pri-"vy council in England, ac-"cording to the uſual form in "ſuch caſes; and, being ſo ap-"proved, were, by order of "council, ſent to the ſaid lord "Sommers, who was by the "ſaid order required to affix the "great ſeal thereto."

VIII. That he did not only receive and enjoy the fees, profits and perquiſites belonging to the great ſeal, but had received an annual penſion from the crown of 4000l. and had further begged and procured for his own benefit, many great, unreaſonable, and exorbitant grants of revenues belonging to the crown of England. To which he anſwered, "That the an-"nual penſion or allowance of "4000l. had been allowed to "ſeveral of his predeceſſors; "but he denied, that he did "ever beg or uſe any means to "procure any grant whatſoever "for his own benefit; but that "what his majeſty was pleaſed "to give him, proceeded from "his majeſty's own motion, and "of his mere bounty, and as "his majeſty was pleaſed to de-"clare upon that occaſion, as "an evidence of the gracious ac-"ceptation of the ſaid lord "Sommers's zealous endea-"vours for his ſervice."

IX. That, in order to procure a grant of fee-farm rents, he did enter into ſeveral treaties, and had many communications with the auditor of the rates, and with the clerk of the truſtees for ſale of the ſaid rents, and

houſe had been deſired by the earl, that a day might be appointed for his ſpeedy trial; but, finding no iſſue joined by repli- Will. III. 1700-1.

and contracted and agreed with them, as a reward for their diſcovery, one full fourth part of all ſuch rents ſo diſcovered.

X. That, notwithſtanding the ſaid pretended contracts, there was not any ſum of money really paid, but the contracts and payments were colourably and fraudulently contrived in deceit of his majeſty, and eluſion of the acts of parliament. To which ninth and tenth articles he anſwered, "That after his majeſty had given directions to "the lords of the treaſury for "granting fee-farm rents to the "benefit of him and his heirs; "his majeſty's intended bounty "would have been loſt, without information could be "gained of ſuch particular rents; "and therefore application was "made to the ſaid auditor and "clerk, as the moſt likely to "give information therein; "but they refuſed to give any "account of ſuch rents, unleſs "they might have near a fourth "part for ſo doing; which the "ſaid lord Sommers did, as he "conceives he lawfully might "comply with. And there was "not any ſum of money paid, "as the conſideration of the "grants of the ſaid rents, but "the contracts were made, and "the payment diſcharged, without any deceit of his majeſty, "or eluſion of the acts of parliament."

XI. That many rents ſtanding in charge for payment of penſions, ſtipends, ſalaries, annuities, alms, and allowances for ſchools, churches, bridges, &c. and many quit-rents of manors, omitted and annexed to the caſtle of Windſor for ſupport of the ſame, and maintenance of the officers, ſervants, and attendants in the ſaid caſtle, were conveyed by the ſaid truſtees, through the direction and power of the ſaid lord Sommers, contrary to the true intent and meaning of the ſaid acts of parliament, to the great vexation and oppreſſion of many of his majeſty's good ſubjects, and creating many new and unreaſonable charges on the other revenues of the crown. To which he anſwered, "That ſome "things might be inſerted by "miſtaken informations, and "not out of any deſigns; but "he denied, that as to his "knowledge, or belief, any of "the ſaid rents were ever united "or annexed to the caſtle of "Windſor, for any purpoſe "whatſoever; or that any op-"preſſion or vexation hath hap-"pened; and little or no new "charge to the crown."

XII. That by the direction of the ſaid lord Sommers, the perſons, in whoſe names the purchaſes were made, did ſurrender ſeveral of the ſaid rents to them granted, amounting to the yearly value of 347 l. 11 s. 5 d. on ſuggeſtion of wrong conveyance, and procured other rents of the yearly value of 391 l. 0 s. 3½ to be allowed by way of reprize, as if the ſaid rents ſo ſurrendered had been really and bona fide purchaſed. To which he anſwered,

Will. III. 1700-1.

replication of the houſe of commons, they thought fit to give them notice of it. The ſame day they likewiſe put the com-

ſwered, "That the truſtees for "ſale of the fee-farm rents, by "warrant of the commiſſioners "of the treaſury, did grant di-"vers other rents, amounting "to 391 l. 0s. 3½, in lieu and "reprize of the 347 l. 11 s. 5d. "having appeared to be gran-"ted before, or not grantable "by the ſaid truſtees, or not le-"viable on ſurrenders of ſuch "rents, which he conceives "might be, and was lawfully "done."

XIII. That in the year 1695, the lord Sommers, being then lord keeper, procured a commiſſion to be granted to one William Kidd, a perſon of evil fame and reputation, and ſince that time convicted of piracy; and in a grant from his majeſty, of ſhips, veſſels, and goods, to be taken by the ſaid William Kidd, unto Richard earl of Bellamont, Edward Harriſon, merchant, Samuel Newton, Gent. and others, the name of the ſaid Samuel Newton was uſed in truſt, and for the only benefit and advantage of the ſaid lord Sommers. To which he anſwered, "That the ſaid Wil-"liam Kidd, had from his ma-"jeſty a commiſſion for preven-"ting the piracy of others, and "to apprehend certain pirates, "and bring them to a legal "trial; the granting of which "commiſſion was then appre-"hended to be neceſſary for the "preſervation of trade and na-"vigation. He does admit, "that there was a grant to the "earl of Bellamont, Edmund "Harriſon, Samuel Newton, "and others, and that Samuel "Newton was named by, and "in truſt for, the ſaid lord "Sommers, of ſhips and goods "taken by the ſaid William "Kidd, with account to be du-"ly made to the uſe of his ma-"jeſty of a clear tenth part, "whereby the public might "have received benefit, had "the ſaid Kidd faithfully diſ-"charged the truſt; which he "failing to do, the owners of "the ſaid ſhip have loſt all their "expences, and had not re-"ceived any benefit of his ma-"jeſty's ſaid grant."

XIV. That the ſaid lord Sommers, to the great oppreſſion of the ſubject, and contrary to Magna Charta, and divers good ſtatutes of this realm, and in manifeſt breach and violation of his oath, as lord high chancellor of England, hath, in ſeveral cauſes depending before him, by many extraordinary methods and unwarrantable practices, for ſeveral years, delayed proceedings in the ſaid cauſes; and by colour of his office, hath made divers arbitrary and illegal orders, in ſubverſion of the laws and ſtatutes of this realm, and hath, of his own authority, reverſed judgments given in the court of Exchequer, and without calling before him the barons of the Exchequer, to hear their informations, and the cauſes of their judgments, as the ſtatute in thoſe caſes expreſsly directs; aſſuming thereby to himſelf an arbitrary and illegal

power

commons in mind of the articles againſt the earl of Portland and lord Hallifax, and that the delay was not only a hardſhip to the perſons concerned, but very unuſual. Notwithſtanding theſe meſſages, the replication to the earl of Orford's anſwer, though framed and ingroſſed, was never ſent up to the lords; and no articles were drawn againſt the earl of Portland, which was repreſented to the king as an expreſſion of their reſpect to him. Nor was it till the 14th of June, that the articles againſt lord Hallifax were ſent up to the lords by Mr. Bruges, which ſhall be mentioned here, to end this matter at once. The commons charged him for a grant that he had in Ireland, and that he had not paid in the produce of it, as the act concerning thoſe grants had enacted: They charged him for another grant, out of the foreſt of Dean, to the waſte of the timber, and prejudice of the navy of England: They charged him, for holding places that were incompatible, being at the ſame time both a commiſſioner of the treaſury, and auditor of the Exchequer; and, in concluſion, he was charged for adviſing the two partition treaties. He was as quick with his anſwer as the other lords had been: He ſaid, his grant in Ireland was of ſome debts and ſums of

Will. III. 1701.

Articles of impeachment againſt lord Hallifax.

The lord Hallifax's anſwer.

power; and hath declared and affirmed in public places of judicature, that particular ſubjects might have rights and intereſts, without any remedy for recovery of the ſame, unleſs by petition to the perſon of the king only, or to that effect: which poſition was highly dangerous to the legal conſtitution of this kingdom, and abſolutely deſtructive to the property of the ſubject. To which he anſwered, "That he did not delay any "proceedings in any cauſe or "cauſes depending before him, "as chancellor of England, "longer or otherwiſe than as "the circumſtances and juſtice "of each cauſe required, but "did, to the very manifeſt im"pairing of his health, con"ſtantly apply himſelf to the "diſpatch of the cauſes depen"ding before him; and he de"nied that he ever did make, "by colour of his office, any "arbitrary or illegal order, to "the ſubverſion of any law or "ſtatute of this realm, or did "ever aſſume to himſelf any "judgment given in the court "of Exchequer, otherwiſe than "as is warranted and allowed by "the law, and in the preſence "of the barons of the court of "Exchequer, who were always "preſent in the court of Ex"chequer chamber, when their "judgments were examined, as "the ſtatute in ſuch caſe directs; "nor did ever deliver in any "court of judicature, or other "place whatſoever, any poſi"tion whatſoever dangerous to "the legal conſtitution of the "kingdom, or deſtructive to "the property of the ſubject." Pr. H. C. III. 150.

Will. III. 1701. money, and ſo was not thought to be within the act concerning confiſcated eſtates; all he had ever received of it was four hundred pounds; if he was bound to repay it, he was liable to an action for it; but every man was not to be impeached who did not pay his debts at the day of payment. His grant in the foreſt of Dean was only of the weedings; ſo it could be no waſte of timber, nor a prejudice to the navy; the auditor's place was held by another, till he obtained the king's leave to withdraw from the Treaſury; as for the firſt partition treaty, he never once ſaw it, nor was he ever adviſed with in it: as for the ſecond, he gave his advice very freely about it, at the ſingle time, in which he had ever heard any thing concerning it; this was ſent down to the commons, but was never ſo much as once read by them (a).

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(a) The articles againſt the lord Halliſax, and his anſwers more at large, were as follow:

I. That whereas it was the continued ſenſe of the commons of England, that it was highly reaſonable, that the forfeited eſtates of rebels and traitors in Ireland ſhould be applied in caſe of his majeſty's faithful ſubjects of the kingdom of England, the ſaid lord Halliſax preſumed to adviſe, paſs, or direct the paſſing a grant to Thomas Railton, Eſq; in truſt for himſelf, of ſeveral debts, intereſts, &c. amounting to 13,000 l. or thereabouts, accruing to his majeſty, from attainders, outlawries, or other forfeitures, in Ireland. To which he anſwered, "That "he did accept the ſaid grant, "as it was lawful for him to "do, without breach of his "duty, and the truſt repoſed in "him; which grant hath ſince "been taken away by act of "parliament; and he hath not "made clear thereof, as yet, "above 400 l.

II. That he has not repaid into the receipt of his majeſty's Exchequer, in Ireland, the ſum of 1000 l. which he had actually received to his own uſe, out of the profits of the forementioned grant, which he ought to have ſo repaid, by virtue of the 'act for 'granting an aid to his majeſty, 'by ſail of the forfeited eſtates 'in Ireland.' To which he anſwered, "That he gave direc- "tion, after the ſaid act paſſed, "to his agents in Ireland, to "do, in relation to the money "received, as ſhould be adviſed by counſel there; by "whom his agents were adviſed, that the ſaid monies, "being received out of the "mean profits which were re- "mitted by that act, were not "within the firſt mentioned "clauſe in the ſaid act."

III. That, in the time of a tedious and expenſive war, he did adviſe, procure, and aſſent, not only to the paſſing of divers grants to others, but did obtain and accept of ſeveral beneficial ones for himſelf; which practiſes were a moſt notorious abuſe of his majeſty's goodneſs, &c. To which he anſwered, "That he "ſerved his majeſty faithfully "in

As it would be too tedious to relate the meſſages from the lords to the commons, preſſing the trials of the impeached lords, Will. III. 1701.

Pr. H. C. III. 133 — 181.

" in his ſtations, and his ma-
" jeſty graciouſly accepted of
" his ſervice; and, as a mark
" of his royal favour, did make,
" for his benefit, ſuch grants,
" as are mentioned in the pre-
" cedent and ſubſequent arti-
" cles, and none other. And,
" as to other perſons, he only,
" in conjunction with the other
" commiſſioners, did ſign ſeve-
" ral warrants and dockets for
" ſuch grants, as his majeſty
" was pleaſed to direct."

IV. Whereas, by common law, and other ſtatutes, the king's foreſts ſhould be preſerved, the ſaid lord Hallifax, not regarding the laws and ordinances of this realm, nor his duty to his majeſty and the public, had procured a grant to Henry Segar, Clerk, in truſt for himſelf, of the ſum of 14,000l. of ſcrubbed beech, birch, holly, &c. under colour whereof, ſapling oaks, and many tons of well-grown timber, had been cut and fallen, and ſold and diſpoſed of for his benefit. To which he anſwered; " That his
" majeſty, out of his grace and
" favour, did grant, in truſt
" for him, the ſum of 2000l.
" per ann. to be raiſed by the
" fall of ſcrub-beech, birch, &c.
" for the ſpace of ſeven years;
" which grant was not prejudi-
" cial to any timber growing in
" the ſaid foreſt: And if any
" abuſe were, in cutting the
" woods, he conceives, he is not
" anſwerable for the ſame, it
" being done by the direction
" of his majeſty's ſurveyor-
" general, and other his ma-
" jeſty's officers."

V. That he, the ſaid lord Hallifax, did grant, or procure to be granted, to his brother Chriſtopher Mountague, Eſq; the place and office of auditor of the receipts, and writer of the tallies, in truſt for himſelf; ſo that he the ſaid lord was, in effect, at the ſame time, one of the commiſſioners of the Treaſury, chancellor of the Exchequer, and auditor of the receipts, and writer of the tallies, and enjoyed the profits of the ſaid ſeveral offices, which were manifeſtly inconſiſtent, and ought to have been a check to each other. To which he anſwered: " That the grant of
" the ſaid office was done at his
" his deſire and requeſt, becauſe
" he intended, in a ſhort time
" after, to leave his own em-
" ployment and places in the
" treaſury, and to obtain a ſur-
" render from his ſaid brother
" of the ſaid office, and procure
" a grant thereof for himſelf;
" which has been ſince done,
" and he conceives, was lawful
" for him to do."

VI. That the ſaid lord Hallifax, well knowing the moſt apparent evil conſequences, as well as the injuſtice of the partition of the Spaniſh monarchy, did yet adviſe his majeſty to enter into a treaty for it, and did encourage and promote the ſame. To which he anſwered, " That
" he never ſaw the ſaid treaty,
" nor heard the ſame read, or
" does as yet know the articles
" or agreement it contains; and
" denies, that he ever adviſed
" his majeſty to enter into or

Will. III. 1701. lords, and the anſwers of the commons evading it on account of formalities, the ſubſtance of the whole, from biſhop Burnet and others, is inſerted as follows.

Meſſages between the two houſes.

The lords had reſolved to begin with the trial of the earl of Orford; becauſe the articles againſt him were the firſt that were brought up; and, ſince the commons made no replica-

" make the ſaid treaty or was " ever was conſulted upon any " clauſe or article thereof, or " ever encouraged or promoted " the ſame. That, as he re- " members, Mr. ſecretary Ver- " non did at one time ſend for " him, and diſcourſe with him " and others, upon an intima- " tion that was given by a letter " from the earl of Portland, as " he remembers, that the French " king was diſpoſed to com- " mence a negotiation upon " ſome general terms, that were " then mentioned, to prevent a " war in caſe of the king of " Spain's death, who was then " reported to be very ill; and " afterwards the ſaid matter " was diſcourſed between the " ſecretary, the then lord chan- " cellor, and the ſaid lord Hal- " liſax, at Tunbridge-wells, " when and where the ſaid " lord Halliſax made ſeveral " objections to the ſame; and " denies that he gave any opi- " nion to encourage or promote " the ſaid treaty, or ever after- " wards was informed of any " one particular relating to it, " or was ever conſulted or ad- " viſed upon any clauſe or ar- " ticle of it, or was ever after " told or informed, that the " ſaid negotiation or treaty did " go on or proceed; and faith, " that not being adviſed with, " or any ways knowing of the " ſaid treaty or negotiation (ex- " cept as aforeſaid) he could " not diſſuade or obſtruct its " taking effect; and ſaith, as " he cannot tell what the effects " of the treaty might have been, " if the ſaid treaty had been " obſerved, ſo he conceives and " inſiſts, that he is not nor " ought to be anſwerable for the " ſame." Pr. H. C. III. 167.

Burnet obſerves here, when, by theſe articles and the anſwers to them, it appeared, that after all the noiſe and clamour that had been raiſed againſt the former miniſtry (more particularly againſt the lord Halliſax) for the great waſte of treaſure during their adminiſtration, that now, upon the ſtricteſt ſearch, all ended in ſuch poor [illegible]ſions; it turned the minds of many, that had been formerly prejudiced againſt them. It appeared, that it was the animoſity of a party at beſt, if it was not a French practice, to ruin men who had ſerved the king faithfully, and to diſcourage others from engaging themſelves ſo far in his intereſts, as theſe lords had done. They ſaw the effect that muſt follow on this: And that the king could not enter upon a new war, if they could diſcourage from his ſervice all the men of lively and active tempers, that would raiſe a ſpirit in the nation, for ſupporting ſuch an important and dangerous war, as this now in proſpect was like to prove.

tion,

tion, the lords, according to clear precedents, named a day for his trial, and gave notice of it to the houſe of commons: Upon this the commons moved the lords, to agree to name a committee of both houſes for ſettling the preliminaries of the trial, and they named two preliminaries; one was, that the lord who was to be tried, ſhould not ſit as a peer; the other was, that thoſe lords who were impeached for the ſame matter, might not vote in the trial of one another: They alſo acquainted the lords, that the courſe of their evidence led them to begin with the lord Somners. The lords judged their laſt demand reaſonable, and agreed to it; but diſagreed to the other. They conſidered themſelves as a court of juſtice, and how great ſoever the regard due to the houſe of commons might be in all other reſpects, yet in matters of juſtice, where they were the accuſers, they could only be conſidered as parties. The king, when he had a ſuit with a ſubject, ſubmitted to the equality of juſtice; ſo the commons ought to pretend to no advantage over a ſingle perſon in a trial; a court of juſtice ought to hear the demands of both parties pleaded fairly, and then to judge impartially; a committee named by one of the parties, to ſit in an equality with the judges, and to ſettle matters relating to the trial, was a thing practiſed in no court or nation, and ſeemed contrary to the principles of law, or rules of juſtice: By theſe means, they could at leaſt delay trials, as long as they pleaſed, and all delays of juſtice are real and great injuſtices. This had never been demanded but once, in the caſe of the Popiſh plot; then it was often refuſed; it is true, it was at laſt yielded to by the lords, though with great oppoſition; that was a caſe of treaſon, in which the king's life, and the ſafety of the nation were concerned; there was then a great jealouſy of the court, and of the lords that belonged to it; and the nation was in ſo great a ferment, that the lords might at that time yield to ſuch a motion, though it derogated from their judicature: That ought not to be ſet up for a precedent for a quiet time, and in a caſe pretended to be no more than a miſdemeanor; ſo the lords reſolved not to admit of this, but to hear whatſoever ſhould be propoſed by the commons, and to give them all juſt and reaſonable ſatisfaction in it. The chief point in queſtion, in the year 1679, was, how far the biſhops might ſit and vote in trials of treaſon; but, without all diſpute, they were to vote in trials for miſdemeanors; it was alſo ſettled in the caſe of the lord Mordaunt, that a lord tried for a miſdemeanor was to ſit within the bar; in all other courts, men tried for ſuch offences came within the bar;

Will. III. 1701.

Will. III. 1701. this was ſtronger in the caſe of a peer, who by his patent had a ſeat in that houſe, from which nothing but a judgment of the houſe, for ſome offence, could remove him: They indeed found that, in king James the Firſt's time, the earl of Middleſex, being accuſed of miſdemeanors, was brought to the bar; but, as that proſecution was violent, ſo there had been no later precedent of that kind, to govern proceedings by it: There had been many ſince that time, and it had been ſettled, as a rule for future times, that peers tried for ſuch offences were to ſit within the bar. The other preliminary was, that peers, accuſed for the ſame offence, might not vote in the trials of the others: The lords found, that a right of voting was ſo inherent in every peer in all cauſes, except where himſelf was a party, that could not be taken from him, but by a ſentence of the houſe; a vote of the houſe could not deprive him of it; otherwiſe, a majority might upon any pretence deny ſome peers their right of voting, and the commons, by impeaching many peers at once, for the ſame offence, might exclude as many lords as they pleaſed from judging: It was alſo obſerved, that a man might be a judge in any cauſe, in which he might be a witneſs; and it was a common practice to bring perſons, charged with the ſame offence, if they were not in the ſame indictment, to witneſs the facts with which they themſelves were charged in another indictment: And a parity of reaſon appeared in the caſe of lords, who were charged in different impeachments for the ſame facts, that they might be judges in one another's trials. In concluſion therefore, the lords, on the 12th of June, came to the following reſolutions, which were ſent down to the commons.

Reſolutions of the lords.

1. That no lord of parliament impeached for high crimes and miſdemeanors, and coming to his trial, ſhall, upon his trial, be without the bar.

2. That no lord of parliament, impeached of high crimes and miſdemeanors, can be precluded from voting on any occaſion, except in his own trial.

Upon theſe points many meſſages paſſed between the two houſes with ſo much precipatation, that it was not eaſy to diſtinguiſh between the anſwers and replies. The commons ſtill kept off the trials by affected delays; and it was viſible, that, when the trials ſhould come on, they had nothing to charge theſe lords with: So the leaders of the party ſhewed their ſkill in finding out excuſes to keep up a clamour, and to hinder the matter from being brought to an iſſue. The main point that was ſtill inſiſted upon, was a committee of both houſes

houſes to ſettle preliminaries; ſo, according to the forms of the the houſe, it was brought to a free conference. Will. III. 1701.

The day before the free conference, the king, coming to the houſe of peers to paſs the bill of ſucceſſion, took occaſion to make the following ſpeech to both houſes:

" My lords and gentlemen,

" I Return you my hearty thanks for the care you have taken to eſtabliſh the ſucceſſion to the crown in the Proteſtant line. And I muſt not loſe this occaſion of acquainting you, that I am likewiſe extremely ſenſible of your repeated aſſurances of ſupporting me in ſuch alliances as ſhall be moſt proper for the preſervation of the liberty of Europe, and for the ſecurity of England and Holland. Your ready compliance with my deſires, as to the ſuccours for the States-general, is alſo a great ſatisfaction to me, as well as a great advantage to the common cauſe. And as I have nothing ſo much at heart as the preſervation of the liberty of Europe, and the honour and intereſt of England, ſo I make no doubt of attaining thoſe great ends, by the bleſſing of God, and the continuance of your chearful concurrence. The king's ſpeech at paſſing the act of ſucceſſion.

" My lords and gentlemen,

" The ſeaſon of the year makes it neceſſary to have a ſpeedy receſs; and the poſture of affairs abroad does abſolutely require my preſence, for the encouragement of our allies, and for the perfecting of ſuch alliances, as may be moſt effectual for the common intereſt. And therefore I muſt recommend a diſpatch of the public buſineſs, eſpecially of thoſe matters which are of the greateſt importance.".

The commons, interpreting this ſpeech as an approbation of their proceedings in reſpect to their conteſts with the lords, preſented an addreſs of thanks for his majeſty's being pleaſed to approve of their proceedings, and aſſured him, they would ſupport ſuch alliances as he ſhould think fit to make, in conjunction with the emperor and the States-general, for the peace of Europe, and for the reducing the exorbitant power of France. So, without any farther interruption, they returned to their diſputes with the lords.

The free conference began the 13th of June. In it the lord Haverſham, ſpeaking to the point, of lords being partial in Lord Haverſham reflects on the impeachments,

Will. III. 1701. in their own caſes, and therefore not proper judges, ſaid, that the houſe of commons had plainly ſhewed their partiality, in impeaching ſome lords for facts, in which others were equally concerned with them, who yet were not impeached by them, though they were ſtill in credit, and about the king, which ſhewed, that they thought that neither the one nor the other were guilty (b). The commons thought they had now found an occaſion of quarrelling with the lords, which they were looking for; ſo the lord Haverſham's expreſſions were inſtantly objected to by Sir Chriſtopher Muſgrave, and the managers for the commons immediately withdrew from the conference (c), though they were told by the duke of Devonſhire, as they were going, that the lord Haverſham had no authority from the houſe of lords, to uſe any ſuch expreſſions towards the commons.

(b) The lord Haverſham's ſpeech was reported by Mr. Harcourt, who ſaid, that his lordſhip uſed theſe or the like expreſſions: "One thing there "is, though I cannot ſpeak it, "becauſe I am bound up by "the orders of the houſe; yet I "muſt have ſome anſwer. This "is as to the lords voting in "their own caſe. It requires "an anſwer, though I cannot "go into the debate of it. The "commons themſelves have "made this precedent; for, "in theſe impeachments, they "have have allowed men guilty "of the ſame crimes, to vote in "their own houſe; and there-"fore we have not made any "diſtinction in our houſe, that "ſome ſhould vote and ſome "not. The lords have ſo high "an opinion of the juſtice of the "houſe of commons, that they "hope juſtice ſhall never be "made uſe of as a maſk for any "deſign. And therefore give "me leave to ſay (though I am "not to argue it) it is a plain "demonſtration, that the com-"mons think theſe lords inno-"cent; and I think the propo-"ſition is undeniable; for there "are ſeveral lords in the ſame "crimes, in the ſame facts; "there is no diſtinction. And "the commons leave ſome of "theſe men at the head of af-"fairs near the king's perſon, "to do any miſchief, if their "perſons were inclined to it; "and impeach others, when "they are both alike guilty, "and concerned in the ſame "facts. This is a thing I was "in hopes I ſhould never have "heard aſſerted, when the be-"ginning of it was from the "houſe of commons." Pr. H. C. III. 165.

(c) This was not uſual, and in a caſe not long before, where a member of the houſe of commons having ſaid what was much more liable to exception, than it could be pretended what lord Haverſham ſaid, was, ſome of the commons ſaying, that he had no direction from the houſe for what was ſaid, the lords ſtaid out the conference, and complained of the words afterwards.

This

This affair being reported to the commons by Mr. Harcourt, the houſe immediately reſolved, "That John lord "Haverſham hath, at the free conference this day, ut- "tered moſt ſcandalous reproaches and falſe expreſſions, "highly reflecting upon the honour and juſtice of the houſe "of commons, and tending to the making a breach in the "good correſpondence between the lords and commons, and "to the interrupting the public juſtice of the nation, by de- "laying the proceedings on impeachments: And that the "ſaid lord Haverſham be charged before the lords for the "ſaid words; and that the lords be deſired to proceed in ju- "ſtice againſt him, and to inflict ſuch puniſhment upon him, "as ſo high an offence againſt the houſe of commons does "deſerve." And Sir Chriſtopher Muſgrave was ordered to carry this charge and reſolution to the lords. Will. III. 1701. Votes againſt lord Haverſham. Pr. H. C. III. 166.

In the mean time the lords ſent a meſſage to the commons, to acquaint them, "That they had been informed by their "managers, that ſome interruption had happened at the free "conference, which their lordſhips were concerned at, be- "cauſe they wiſhed, that nothing ſhould interrupt the public "buſineſs; and therefore deſired the commons to come again "preſently to the free conference; which they did not doubt "would prove the beſt expedient to prevent the inconvenience "of a miſunderſtanding upon what has paſſed."

But the commons, inſtead of coming to the conference, ſent up Sir Chriſtopher Muſgrave, who acquainted the lords, as he ſaid, with what had happened at the conferences, and read the words ſuppoſed to be ſpoken by the lord Haverſham, concluding, "Theſe were the words ſpoken by John lord "Haverſham (d)." He then read the reſolutions of the commons, with relation to that lord.

The commons had now got a pretence to juſtify their not going further in the trials, and they reſolved to inſiſt upon it. When therefore they were again preſſed by the lords to renew the free conference, they returned for anſwer, "That it was June 14. "not conſiſtent with their honour to renew the conference, "until they had reparation, by their lordſhips doing juſtice "upon lord Haverſham, for the indignity offered to the houſe "of commons." At the ſame time it was, that the articles "againſt lord Hallifax were ſent up as has been related."

(d) Sir Chriſtopher Muſgrave had no warrant to ſay as he did. 'Theſe were the words, &c.' for Mr. Harcourt in his report only ſays, "He uſed theſe or 'the like expreſſions.' See note above.

Upon

Will. III. 1701. Upon this, lord Haverſham offered himſelf to a trial, and ſubmitted to any cenſure, that the lords ſhould think he had deſerved; but inſiſted that the words muſt firſt be proved, and he muſt be allowed to put his own ſenſe on them; the lords ſent this to the commons, but they ſeemed to think that the lords ought to have proceeded to cenſure him in a ſummary way, which the lords thought, being a court of judicature, they could not do, till the words were proved, and the importance of them diſcuſſed. Upon the commons refuſal to renew the conference, the lords likewiſe came to a reſolution, to inſiſt not to have a committee of both houſes concerning the trial of the impeached lords. They then proceeded to ſet the day for the trial of lord Sommers, and a meſſage was ſent to acquaint the commons, that the trial would be on Tueſday the 17th of June, at ten of the clock, in Weſtminſter-Hall. To remove the obſtacle of the lord Haverſham's affair, they alſo told the commons, that all things were preparing to bring that matter to a ſpeedy judgment; and they likewiſe put them in mind of articles againſt the earl of Portland.

The lords tried and acquitted.

Inſtead of returning anſwers to theſe meſſages, the commons refuſed to appear, and ſaid, they were the only judges, when they were ready with their evidence, and that it was a mockery to go to a trial, when they were not ready to appear at it (e). There were great and long debates upon this in the

(e) The commons, inſtead of appearing at the trial, ſent up to the lords, on the 17th of June, the following reaſons of their non-appearance.

"The commons, in this "whole proceeding againſt the "impeached lords, have acted "with all imaginable zeal to "bring them to a ſpeedy trial; "and they doubt not but it will "appear by comparing their "proceedings with all other "upon the like occaſions, that "the houſe of commons have "nothing to blame themſelves, "but that they have not expreſ- "ſed the reſentment their an- "ceſtors have juſtly ſhewed "upon much leſs attempts, "which have been made upon "their power of impeach- "ments.

"The commons, on the 31ſt "of May, acquainted your "lordſhips, that they thought "it proper, from the nature of "the evidence, to proceed in "the firſt place upon the trial "of lord Sommers. Upon the "firſt intimation from your lord- "ſhips, ſome days afterwards, "that you would proceed to "the trial of the impeached "lords, whom the commons "ſhould be firſt ready to begin "with, notwithſtanding your "lordſhips had before thought "fit to appoint, which impeach- "ment ſhould be firſt tried, and af-

the houſe of lords: The new miniſtry, and all the Jacobites, joined to ſupport the pretenſions of the commons: Every ſtep was

Will. III. 1701.

" affixed a day for ſuch a trial,
" without conſulting the com-
" mons, who are the proſecu-
" tors; the commons, deter-
" mining to expedite the trials
" to the utmoſt of their power,
" in hopes of attaining that end,
" and for the more ſpeedy and
" eaſy adjuſting and preventing
" any differences, which had
" happened, or might ariſe pre-
" vious to, or upon, theſe tri-
" als, propoſed to your lord-
" ſhips at a conference the moſt
" parliamentary and effectual
" method for that purpoſe, and
" that, which in no manner
" intrenched upon your lord-
" ſhips judicature, that a com-
" mittee of both houſes ſhould
" be nominated, to conſider of
" the moſt proper ways and
" methods of proceeding upon
" impeachments, according to
" the uſage of parliament.

" In the next meſſage to the
" commons, upon Monday the
" 9th of June, your lordſhips
" thought fit, without taking
" the leaſt notice of this propo-
" ſition, to appoint Friday then
" following for the trial of the
" ſaid lord Sommers; where-
" unto, as well as to many
" other meſſages and proceed-
" ings of your lordſhips upon
" this occaſion, the houſe of
" commons might have juſtly
" taken very great exceptions;
" yet, as an evidence of their
" moderation, and to ſhew their
" readineſs to bring the im-
" peached lords to ſpeedy ju-
" ſtice, the commons inſiſted
" only on their propoſition for
" a committee of both houſes
" to ſettle and adjuſt the neceſ-
" ſary preliminaries to the trial;
" particularly, Whether the
" impeached lords ſhould ap-
" pear on their trial at your
" lordſhips bar as criminals?
" Whether, being under accu-
" ſations of the ſame crimes,
" they ſhould ſit as judges on
" each other's trial for thoſe
" crimes, or ſhould vote in their
" own caſes, as it is notorious
" they have been permitted by
" your lordſhips to do in many
" inſtances, which might be
" given, to which particulars
" your lordſhips have not yet
" given a direct anſwer, though
" put in mind thereof by the
" commons. Your lordſhips at
" a conference, having offered
" ſome reaſons, why you could
" not agree to a committee of
" both houſes, to adjuſt the ne-
" ceſſary preliminaries, the com-
" mons thereupon deſired a free
" conference, and your lord-
" ſhips agreed thereunto; at
" which, it is well known to
" many of your lordſhips, who
" were then preſent, what moſt
" ſcandalous reproaches and
" falſe expreſſions, highly re-
" flecting upon the honour and
" juſtice of the houſe of com-
" mons, were uttered by John
" lord Haverſham, whereby
" the commons were under ne-
" ceſſity of withdrawing from
" the ſaid free conference; for
" which offence the commons
" have, with all due regard to
" your lordſhips, prayed your
" lordſhips juſtice againſt the
" lord

Will. III. 1701. was to be made by a vote, againſt which many lords proteſted; and the reaſons given, in ſome of their proteſtations, were

" lord Haverſham, but have as " yet received no manner of " ſatisfaction.

" The commons reſtrain " themſelves from enumerating " your lordſhips very many ir- " regular and unparliamentary " proceedings upon this occa- " ſion; but think it is what " they owe to public juſtice and " all the commons of England, " whom they repreſent, to de- " clare ſome few of thoſe rea- " ſons, why they peremptorily " refuſe to proceed to the trial " of the lord Sommers on the " 17th of June.

" Firſt, becauſe your lord- " ſhips have not yet agreed, " that a committee of both hou- " ſes ſhould be appointed for " ſettling the neceſſary prelimi- " naries, a method never until " this time denied by the houſe " of lords, whenſoever the com- " mons have thought it neceſ- " ſary to deſire the ſame.

" Secondly, ſhould the com- " mons (which they never will " do) be contented to give up " thoſe rights, which have been " tranſmitted to them from " their anceſtors, and are of " abſolute neceſſity to their pro- " ceedings on impeachments; " yet, whilſt they have any re- " gard to public juſtice, they " never can appear as proſecu- " tors before your lordſhips, till " your lordſhips have firſt given " them ſatisfaction, that lords " impeached of the ſame crime " ſhall not ſit as judges on each " other's trials for thoſe crimes.

" Thirdly, becauſe the com- " mons have as yet had no re- " paration for the great indig- " nity offered to them at the " free conference by the lord " Haverſham. The commons " are far from any inclination, " and cannot be ſuppoſed to be " under any neceſſity of delay- " ing the trial of the lord Som- " mers. There is not any ar- " ticle exhibited by them in " maintenance of their im- " peachment againſt the lord " Sommers, for the proof " whereof they have not full " and undeniable evidence, " which they will be ready to " produce, as ſoon as your lord- " ſhips ſhall have done juſtice " upon the lord Haverſham; " and the neceſſary prelimina- " ries in order to the ſaid trial " ſhall be ſettled by a commit- " tee of both houſes.

" The commons think it un- " neceſſary to obſerve to your " lordſhips, that moſt of the " articles, whereof the lord " Sommers ſtands impeached, " will appear to your lordſhips " to be undoubtedly true from " matters of record, as well as " by the confeſſion of the ſaid " lord Sommers in his anſwer " to the ſaid articles; to which " the commons doubt not but " your lordſhips will have a " due regard, when his trial " ſhall regularly proceed."

The lords ſent their anſwer to this meſſage, June the 20th, in theſe words.

" The lords, in anſwer to " the

were thought to be ſo injurious to the houſe, that they were by a vote ordered to be expunged, a thing that ſeldom happens. Will. III. 1701.

When

" the meſſage of the commons " of the 17th inſtant, ſay, the " only true way of determining, " which of the two houſes has " acted with the greateſt ſincerity, in order to bring the " impeached lords to their trials, " is to look back upon the reſpective proceedings.

" The lords do not well underſtand what the commons " mean by that reſentment, " which they ſpeak of in their " meſſage. Their lordſhips own " the houſe of commons have " a right of impeaching; and " the lords have undoubted " power of doing juſtice upon " thoſe impeachments, by bringing them to trial, and condemning or acquitting the " parties in a reaſonable time. " This power is derived to " them from their anceſtors, " which they will not ſuffer to " be wreſted from them by any " pretences whatſoever.

" Their lordſhips cannot but " wonder, that the commons " ſhould not have propoſed a " committee of both houſes " much ſooner, if they thought " it ſo neceſſary for the bringing on the trials; no mention " being made of ſuch a committee from the firſt of April " to the 6th of June, although, " during that interval, their delays were frequently complained of by the houſe of " lords.

" The manner in which the commons demand this committee, " the lords look upon as a direct " invading of their judicature; " and therefore, as there never " was a committe of both houſes yielded to by the lords, in " caſe of any impeachment for " high crimes and miſdemeanors; ſo their lordſhips do " inſiſt, that they will make no " new precedent upon this occaſion. Many impeachments " for miſdemeanors have in all " times been determined without ſuch a committee. And " if now the commons think " fit, by any unprecedented demand, to form an excuſe for " not proſecuting their impeachments, it is demonſtrable where the obſtruction " lies.

" As to the preliminaries, " which the commons mentioned in particular, as proper to be ſettled at ſuch a " committee, they have received the reſolutions of the " houſe of lords therein, by " their meſſage of the 12th inſtant; from which (being " matters intirely relating to " their judicature) their lordſhips cannot depart.

" As to the laſt pretence the " commons would make to " ſhelter the delaying the trials, " from ſome expreſſions, which " fell from the lord Haverſham at " the free conference, at which " offence was taken, their lordſhips will only obſerve,

" Firſt, That they have omitted nothing, which might " give the commons all reaſonable ſatisfaction of their pur-

" poſe

Will. III. 1701.

When the day appointed for the trial came, the lords entered upon a debate, and the queſtion was put, "Whether "the houſe ſhould go this day into the court in Weſtminſter-"Hall, in order to proceed upon the trial of the lord Som-"mers, according to the order of the day?" Which was reſolved in the affirmative, though ſeveral lords proteſted againſt it (f). A meſſage was then ſent to the commons, to acquaint them, that their lordſhips were going. The other

"poſe to do them juſtice in that "matter, ſo far as is conſiſtent "with doing juſtice to that lord; "and alſo to preſerve all good "correſpondence with them; "as appears by the ſeveral "ſteps they have taken.

"Secondly, That this buſi-"neſs has no relation to the "trial of the impeached lords; "and therefore their lordſhips "cannot imagine, why the "commons ſhould make ſatis-"faction and reparation againſt "the lord Haverſham a neceſ-"ſary condition for the going "on with the trials, and at the "ſame time find no difficul-"ties in proceeding on other "buſineſs." Pr. H. C. III. "169—175.

(f) This proteſt was thought ſo injurious to the houſe, that it was ordered to be expunged; but it was as follows:

"We do conceive it very im-"proper to proceed to this trial, "before the preliminaries are "adjuſted, eſpecially ſince ſome "of thoſe preliminaries are "ſuch, as in our opinion are "eſſentially neceſſary to the ad-"miniſtration of juſtice.

"And after ſuch a proteſta-"tion of the commons, as they "have ſent to us againſt the "proceedings to a trial, and "which we conceive is founded "upon juſtice, and the reaſon-"able method of parliament, "we apprehend our proceed-"ing now to this trial may "tend to the diſappointment "of all future trials on im-"peachments."

Somerſet,
H. Londin.
Normanby,
Rocheſter,
Carnarvon,
Marlborough,
La Warr,
Oxford,
Dartmouth,
Weymouth,
Janath. Exon.
Scarſdale,
Nottingham,
Feverſham,
Plymouth,
Abingdon,
Denbigh,
Warrington,
Tho. Roſſenſ.
Hunſdon,
Weſton,
Godolphin,
Jefferies,
Northumberland,
T. Jermyn,
Derby,
Thanet,
Peterborough,
Lexington,
Howard,
Cholmondeley,
Guilford.

im-

impeached lords having aſked leave to withdraw, and not ſit and vote in the trial, a queſtion was propoſed, "Whether "the earl of Orford and the lord Halliſax may withdraw at "the trial of the lord Sommers?" This was much oppoſed by ſome lords, becauſe the giving ſuch leave ſuppoſed, that they had a right to vote; but it was reſolved in the affirmative. And, after ſome other things of form, the lords adjourned into Weſtminſter-Hall, where the articles of impeachment againſt the lord Sommers, and his anſwers were read, and, the commons not appearing to proſecute, their lordſhips adjourned to their houſe, and entered into a long debate concerning the queſtion, that was to be put. The judges told them, that, according to the forms of law, it ought to be Guilty or Not Guilty. But thoſe of the Tory party ſaid, as it was certain, that none could vote lord Sommers guilty; ſo, ſince the commons had not come to make good the charge, they could not vote him not guilty; and therefore, to give them ſome content, the queſtion agreed on to be put was, "That John lord Sommers be acquitted of "the articles of impeachment againſt him, exhibited by the "houſe of commons, and all things therein contained; and "that the impeachment be diſmiſſed?" That being ſettled, the lords returned to Weſtminſter-Hall, and, the queſtion being put, fifty-ſix voted in the affirmative, and thirty-one in the negative; and the lord-keeper declared, that the majority was for acquitting him. Then the lords adjourned to their houſe, and made an order for his being acquitted, and the impeachment to be diſmiſſed. Will. III. 1701.

Upon this the commons paſſed ſome high votes againſt the lords, and, to juſtify their refuſal to appear at the trial, reſolved, "That the lords have refuſed juſtice to the commons "upon the impeachment againſt the lord Sommers, by de- "nying them a committee of both houſes, which was deſired "by the commons as the proper and only method of ſettling "the neceſſary preliminaries, in order to the proceeding to "the trial of the lord Sommers with effect; and afterwards, "by proceeding to a pretended trial of the ſaid lord, which "could tend only to protect him from juſtice, by colour of an "illegal acquittal. Againſt which proceedings of the lords, "the commons do ſolemly proteſt, as being repugnant to the "rules of juſtice, and therefore null and void. That the "houſe of lords, by the pretended trial of John lord Som- "mers, have endeavoured to overturn the right of impeach- "ments lodged in the houſe of commons, by the ancient "conſtitution of this kingdom, for the ſafety and protection "of Remonſtrance of the commons. June 20. Pr. H. C. III. 173.

Will. III. 1701. "of the commons againſt the power of great men, and have "made an invaſion upon the liberties of the ſubject, by lay- "ing a foundation of impunity for the greateſt offenders. "That all the ill conſequences, which may at this time at- "tend the delay of the ſupplies given by the commons for the "preſerving the public peace, and maintaining the balance "of Europe, by ſupporting our allies againſt the power of "France, are to be imputed to thoſe who, to procure an "indemnity for their own crimes, have uſed their utmoſt "endeavours to make a breach between the two houſes."

The lords anſwer.

The lords went as high in their votes againſt the commons, and the ſame day ſent this anſwer to their meſſage: "The "lords do acquaint the commons, that they might have "known, by the records of the houſe of lords, that the lords "had proceeded to the trial of the lord Sommers on Tueſday "laſt, being the day appointed; and, the commons not ap- "pearing to maintain their articles againſt the ſaid lord, the "lords had, by judgment of their houſe, acquitted him of "the articles of impeachment againſt him, exhibited by the "commons, and all things therein contained, and had diſ- "miſſed the ſaid impeachment.

"And the lords had appointed Monday next for the trial "of the earl of Orford, on which day they would proceed on "the trial.

"The commons ſtill preſſing for a committee of both "houſes, which their lordſhips could never conſent to for "the reaſons already given, their lordſhips could infer no- "thing from their perſiſting in this demand, than that they "never deſigned to bring any of their impeachments to a "trial.

"As to the lord Haverſham, his anſwer was now before "the houſe of commons, and the lords reſolved to do juſtice "in that matter."

The commons refuſe to appear at the earl of Orford's trial. Pr. H. C. III. 180.

The commons on the ſame day, the 20th of June, having ordered, that none of their members ſhould appear on the Monday following, at the pretended trial of the earl of Orford, upon pain of incurring the utmoſt diſpleaſure of the houſe, they adjourned to Tueſday morning. But the lords continued ſitting, and, having ſent a copy of the lord Haverſham's anſwer (g) to the commons, they reſolved, on the 21ſt

(g) This anſwer was very long, and may be ſeen in the proceedings of the houſe of commons (III. 174.) That part of it, which relates to his reflecting on the partiality of the commons, in his ſpeech at the free conference, was as follows: That

21ſt of June, "That, unleſs the commons charge againſt Will. III.
"that lord ſhall be proſecuted by them againſt him with 1701.
"effect,

That the nature of that conference was, that it ſhould be free: The occaſion of it, becauſe either houſe apprehended the other to be in an error; and the end of it, that each ſide may urge ſuch facts as are true, and ſuch reaſons as are forcible to convince. That one article of impeachment againſt John lord Sommers was, that the treaty of partition of 1699 was ratified under the great ſeal, which then was in the cuſtody of the ſame lord, then lord chancellor of England. That the commons on the 1ſt of April 1701 reſolved, that the earl of Portland, by negotiating and concluding the treaty of partition, was guilty of an high crime and miſdemeanor; and, purſuant thereto fodged an impeachment againſt him in the houſe of peers. Which vote and impeachment could not have reference to any treaty, other than the treaty of partition of 1699, the treaty of 1698 not being before the houſe of commons till after the time of that vote and impeachment. And yet the earl of Jerſey, who then was ſecretary of ſtate and privy counſellor, and actually ſigned the ſaid treaty of 1699, as a plenipotentiary with the lord Portland, ſtands unimpeached, and continues at the head of affairs, being lord chamberlain near his majeſty's perſon, and in his preſence and councils, without complaint. That the earl of Orford and the lords Sommers and Halliſax are ſeverally impeached for adviſing the treaty of partition of 1698; and yet Mr. ſecretary Vernon, who then was ſecretary of ſtate and a privy counſellor, and acted in the promoting of the treaty of partition of 1698, ſtands unimpeached, and ſtill continues one of the principal ſecretaries of ſtate. And Sir Joſeph Williamſon, who then was a privy counſellor, and tranſacted and ſigned the treaty of partition of 1698, as a plenipotentiary, ſtands unimpeached. That the lord Halliſax is impeached, for that he, being a commiſſioner of the treaſury, aſſented to the paſſing of ſeveral grants from the crown to ſeveral perſons of lands in Ireland: and yet Sir Edward Seymour, Sir Stephen Fox, and Mr. Pelham, who, being ſeverally lords commiſſioners of the treaſury, did ſeverally aſſent to the paſſing of divers like grants from his majeſty of lands in Ireland, ſtands unimpeached. That in the impeachments againſt the earl of Orford and lord Sommers, one of the articles againſt them is, for procuring a commiſſion to captain William Kidd, and likewiſe a grant under the great ſeal of the ſhip and goods of certain perſons therein named, to certain perſons in truſt for them; and yet other lords, equally concerned in procuring the ſaid commiſſion and grant ſtand unimpeached. That the ſaid Mr. ſecretary Vernon, Sir Edward Seymour, Sir Stephen Fox, and Mr. Pelham, notwithſtanding their being parties in

Will. III. 1701. "effect, before the end of the ſeſſion, the lords would declare and adjudge him wholly innocent of the charge."

And

Pr. H. L. II. 31.

the ſame facts charged in the ſame reſpective impeachments, have been permitted to ſit and vote in the houſe of commons touching the ſaid impeachments and the matters thereof. That theſe facts being true, and publickly known, the conſequences reſulting therefrom (as the lord Haverſham apprehended) are undeniable, viz. That the doing of the ſame thing by two perſons in equal circumſtances cannot be a crime in one and not in the other. That the commons had no reaſon to inſiſt, that the lords ſhould not permit that in their members, which the commons had firſt permitted, and continued to permit, and ſo begun the firſt precedent in their own members. That it muſt be thought that the impeached lords (notwithſtanding the facts alledged in the impeachments) are innocent of danger to the king, when the lord Jerſey and Mr. ſecretary Vernon, who are reſpectively concerned in the partition treaties, are permitted, without complaint, to be at the head of affairs, and in the king's preſence, and of his councils, as not dangerous. That the word 'innocent', uſed in the words ſpoken by the ſaid lord Haverſham, can extend no further than to ſuch matters, as were done by the impeached lords of the ſame nature with what was done by thoſe unimpeached. All which facts being true, and the conſequences obvious, the ſaid lord being ready to prove the ſame, he inſiſts, that the words ſpoken by him at the ſaid free conference, were not ſcandalous or reproachful, nor falſe or reflecting on the honour or juſtice of the houſe of commons, but were ſpoken upon a juſt occaſion given, in anſwer to ſeveral expreſſions that fell from the managers for the commons, remote (as he conceives) from the matter in queſtion, and reflecting on the honour and juſtice of the houſe of peers, and in maintenance and defence of the lords reſolutions and judicature, and conformable to the duty he owes to the ſaid houſe. And the ſaid lord humbly demands the judgment of their honourable houſe therein. And the ſaid lord Haverſham denies that he ſpoke the words ſpecified in the ſaid charge, in ſuch manner and form as the ſame are therein ſet down. And having thus given a true account of this matter, and it being true and indiſputable, that ſome lords in this houſe, equally concerned in facts for which other lords are impeached by the houſe of commons, are ſtill near the king's perſon, in the greateſt places of truſt and honour, unimpeached; and alſo that ſeveral members of the houſe of commons, equally concerned in the ſame facts for which ſome lords are impeached, do however remain unimpeached; the ſaid lord thinks, ſuch a truth could never have been more properly ſpoken, in the maintenance and defence of your lordſhips judicature

And on Monday, June the 23d, it was reſolved by their lordſhips, That the reſolutions of the houſe of commons, in their votes of the 20th inſtant, contained moſt unjuſt reflections on the honour and juſtice of the houſe of peers, and were contrived to cover their affected and unreaſonable delays in proſecuting the impeached lords; and manifeſtly tended to the deſtruction of the judicature of the lords, to the rendering trials on impeachments impracticable for the future, and to the ſubverting the conſtitution of the Engliſh government; and that therefore, whatever ill conſequences might ariſe from the ſo long deferring the ſupplies for this year's ſervice, were to be attributed to the fatal counſel of the putting off the meeting of a parliament ſo long, and to the unneceſſary delays of the houſe of commons. Will. III. 1701.

Then the lords adjourned to Weſtminſter-Hall, and, after two proclamations made for ſilence and proſecution, the articles of impeachment againſt Edward earl of Orford were read, and alſo his anſwer to thoſe articles; and, after taking the ſame methods as in the trial of the lord Sommers, his lordſhip, by unanimous votes (the lords on the other ſide withdrawing) was acquitted of the articles, and the impeachment was diſmiſſed.

The next day, being the laſt of the ſeſſion of the parliament, this order was made by the lords: The impeachments diſmiſſed by the lords. June 24. Ibid. p. 181.

"The houſe of commons not having proſecuted their "charge, which they brought up againſt John lord Haver-"ſham, for words ſpoken by him at a free conference the "13th inſtant, the charge ſhall be and is hereby diſmiſſed.

"The earl of Portland being impeached by the houſe of "commons of high crimes and miſdemeanors the firſt of "April laſt, the impeachment is hereby diſmiſſed, there be-"ing no articles exhibited againſt him.

"The houſe of commons having impeached Charles lord "Halifax of high crimes and miſdemeanors on the 15th of "April laſt, and on the 14th day of this inſtant June exhi-"bited articles againſt him, to which he having anſwered,

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cuture and reſolutions; and inſiſteth, that what he had ſaid at the free conference was not any ſcandalous reproach or falſe expreſſion, or any way tended to make a breach in the good correſpondence between the lords and commons, or to the interrupting the public juſtice of the nation, by delaying the proceedings on the impeachments, as in the ſaid charge alledged, but agreeable to truth, in diſcharge of his duty, and in the defence of the undoubted right and judicature of this houſe.

Haverſham.

Will. III. 1701. " and no further proſecution thereupon, the impeachment " and articles are hereby diſmiſſed.

" The houſe of commons having impeached Thomas Duke " of Leeds of high crimes and miſdemeanors on the 27th " of April 1695, and on the 29th exhibited articles againſt " him, to which he anſwered, but the commons not proſe- " cuting, the impeachment and articles are hereby diſmiſ- " ſed."

Remarks on theſe proceedings. Burnet.

Each houſe ordered a narrative of the proceedings to be publiſhed (a); and they had gone ſo far in their votes againſt " one

(a) It may not be improper to ſubjoin here ſome remarks concerning thoſe proceedings, extracted from a MS. written by a very conſiderable perſon of that time.

" The partition treaty, ſays " he, was no ſooner publiſhed, " but it appeared that the French " ambaſſador, monſieur Tal- " lard, had formed a ſtrong " party here againſt it, and had " engaged Dr. Davenant to " write againſt it. It was not " enough for the French court " to reſolve on breaking it, " but, to compleat the perfidy, " it muſt die with infamy. At " the firſt opening of the ſeſſion, " addreſſes were made to the " king from the houſes for all " the treaties that had been " made ſince that at Ryſwick. " This was done on the 12th or " 13th of February, two or " three days after the opening " of the ſeſſion. The tranſla- " ting and copying theſe went " on ſo ſlowly, that they were " not brought to the houſe of " lords before the 26th of Fe- " bruary. This delay was ſo " uneaſy to thoſe who were " longing for an occaſion to " diſcharge their engagements " to thoſe who had merited well " at their hands, as well as to " gratify their reſentments, by " falling on that treaty, and on " all concerned in it, that, I am " told, on two or three occa- " ſions they complained of it, " yet by ſome ſecret but power- " ful charm all men were ſo re- " ſtrained, that, from the 26th " of February to the 20th of " March, no notice at all was " taken of it; but on the 20th " the train was fired, and all " was ſoon in a flame. I can- " not certainly tell you what " was the occaſion of this great " patience and long ſilence, af- " ter ſome had ſhewn an eager- " neſs, that ſeemed not very " governable. I will only tell " you what happened at that " time at the Hague. After " the French had poſſeſſed them- " ſelves of the Spaniſh Nether- " lands, and found the States " were not very eaſy in their " neighbourhood, they deſired " to treat with them, and know " what would ſatisfy them. " The States inſiſted upon the " engagements given by the " partition treaty, and com- " plained of the violation of it, " and aſked ſuch ſecurities as " they thought neceſſary. The " king ordered his miniſter to " join with them in the like " complaints and demands.

" Theſe

one another, that it was believed, they would never meet again. The proceedings of the lords had the general approbation Will. III. 1701.

" Theſe were given in on the 8th of March; and, as ſoon as the French ambaſſador had an account of it, immediately the matter of that treaty was fallen on in the houſe of lords, while very few among them knew any thing of the negotiation at the Hague, which was not communicated to them by the king till four days after. But ſome perhaps had better intelligence. The treaty then ſet on foot at the Hague was to have this diſgrace put upon it, that the partition treaty, on which it was to be founded, was to be condemned. Some that had been concerned in it, had advertiſements ſent them from the court of France of their danger; by all which the French party hoped, that the king himſelf, and ſuch as had been concerned in the matter, would be prevailed on to let that treaty be forgotten, and become more favourable to the French intereſt, if it were but to ſave themſelves from the ſtorm, that was otherwiſe ready to break out on them. I can affirm nothing in this matter, but if you will lay all this together, you will acknowledge there is ground enough for jealouſy. So long a ſilence, and then the falling on the treaty in that critical minute, could not happen by chance without ſome ſecret and unperceived direction. But, by what accident or order ſoever it might be, this matter was taken up by the lords, and ſeverely arraigned firſt by thoſe who value themſelves upon their finding fault with every thing that is done, becauſe they have not the doing of it; and though ſome of theſe had once a very friendly application of a Spaniſh proverb made to them, that he, whoſe houſe is of glaſs, ſhould throw no ſtones; yet good nature and zeal for the public are too ſtrong to be long reſtrained, though it happens now and then, that they are put in mind of ſome things, that though they are pardoned, will not eaſily be forgotten. But that which ſeemed very ſtrange, and was a very extraordinary piece of courtſhip, was, that thoſe who are moſt in the king's confidence and feel the beſt effects of it, fell upon the treaty in a moſt particular manner. Words not very decent, if applied to the actions of the meaneſt ſubject, were employed to lay out the ridiculouſneſs, the injuſtice, the treachery and barbarity of the treaty, as things fit to give horror. Now ſince what ſhare ſoever the late miniſtry might be ſuppoſed to have in it, yet it was well known, that it was chiefly of the king's own deſigning, therefore though a parliament of England may with a due firmneſs, as well as with juſt reſpect, repreſent to the king ſuch errors as he may fall in-

Will. III. 1701. bation of the nation on their ſide. Moſt of the biſhops adhered to the impeached lords, and their behaviour, on this occaſion,

" to; yet a decency of ſtyle was
" but ſuitable, eſpecially in
" men bred in courts, and ac-
" cuſtomed enough to a more
" ſubmiſſive dialect in former
" reigns. This might have been
" expected from thoſe, who
" know, that the king thought
" it no leſſening of himſelf to
" own, that he believed he had
" made the beſt bargain poſſi-
" ble, all circumſtances con-
" ſidered. This was not all;
" thoſe who attacked the treaty,
" five or ſix in a ſtring, did all
" of them ſay, they meant not
" to find fault; that they had
" no other deſign but to amend
" what had been amiſs, and
" to prevent the like errors for
" the future. They did not in-
" tend to fall upon any one
" perſon, not ſo much as to a
" reprimand: all they meant
" was to have errors corrected,
" and to have things put in a
" better method. While the
" debate went on upon this
" foot, and that all thoſe who
" were known to have a ſhare
" in the confidence, went into
" cenſuring the treaty, thoſe
" who could not help the hav-
" ing other thoughts of it, could
" not of the ſudden know what
" was fit to be done. Many
" thought it was concerted at
" court to let the treaty be cen-
" ſured; and that all the ill hu-
" mour raiſed upon it was to
" evaporate in ſome angry votes,
" without carrying the matter
" further. No intimations had
" been given, that the king de-
" ſired that the thing might be
" better underſtood before it
" ſhould be condemned. The
" king was that day at Hamp-
" ton-Court; ſo no application
" could be made to him; for,
" let men talk what they will
" of freedom in debate, there
" ever was, and ever will be,
" and ought to be, great regard
" had to our princes with rela-
" tion to matters of ſtate. Not
" that the king's mind ought
" to have any influence on men's
" arguing or voting; but it is
" certain, that in many caſes
" men may reſolve to be paſſive
" in ſome of the king's concerns,
" when they think he intends to
" be ſo himſelf. They may
" reaſonably conclude, that he
" is willing to let ſome things
" go, at ſome times, that he
" may thereby put his people
" in better humour, in order to
" the gaining other things that
" are of more conſequence.
" This is ſo frequently practiſed,
" that he muſt be a great ſtran-
" ger to the methods of ma-
" naging a ſeſſion of Parlia-
" ment, who has not obſerved
" it almoſt in every ſeſſion.
" And this was the caſe in the
" houſe of lords upon this occa-
" ſion. No body was ſooner
" in their reflections on that de-
" cried treaty than thoſe who
" were moſt in the confidence.
" Every man declared, that no
" further uſe was to be made
" of the votes that were propo-
" ſed for condemning it, but to
" offer good advice to the king
" for better conduct in future
" negotiations. Some who in-

" tended

occaſion, was much commended. The violence, as well as folly of the party, loſt them much ground with all indifferent men, Will. III. 1701.

" tended to have excuſed, if not " juſtified the treaty, were pre- " vailed on to ſay nothing; not " ſo much out of caution not to " go againſt the ſtream, but be- " cauſe they had no mind to " ſeem more concerned in main- " taining the honour of the " king's treaties than he was " himſelf. They thought their " oppoſition would ſignify little " and paſs for officiouſneſs and " court-flattery. So they gave " way, and the votes paſſed " without contradiction. This " point was no ſooner gained, " than ſome of thoſe very per- " ſons who had made the fulleſt " proteſtations of their having " no intention to carry the mat- " ter further, immediately laid " off the maſk; for you know, " in parliamentary proceedings " all men are not equally exact " in performing what they pro- " miſed, when they have once " carried the point they aimed " at. Theſe arts are ſo fami- " liar to ſome, that inſtead of " being out of countenance, " they value themſelves upon " their dexterity at them. So " it happened here. This is " the true account of that mat- " ter, without any diſguiſe. " The lords, ſince accuſed for " it, did indeed offer ſuch an " account of the ſhare they had " in the treaty in the year 1699, " that it was impoſſible to lay " any blame on them for it; " and the lord Sommers, whoſe " health was out of order the " firſt two days in which this " was before the lords, when " he came to the houſe, gave " ſo clear an account of the " ſhare that himſelf had in it, " that there were not two in the " whole houſe who did not " ſeem intirely ſatisfied with his " behaviour in that matter. " This was ſignified by ſhouts " and acclamations, that were " raiſed higher and continued " longer than ſome, who had " ſat long there, had ever ob- " ſerved before. If thoſe lords " had known, that the king de- " ſired, that right ſhould be " done him in defending both " his honour, juſtice, and wiſ- " dom, as they were concerned " in that treaty, they who " have often hazarded them- " ſelves much further in his ſer- " vice, would not have been " wanting in that piece of duty " and reſpect. But it was ge- " nerally believed at that time, " that the king was leſs con- " cerned in that matter, than it " has been apprehended he was " afterwards, when the ſtroke " was ſtruck, and could not be " retrieved. Indeed a new " ſcene opened ſoon after that, " when it was ſuggeſted by the " lord Wharton, that what " ſenſe ſoever the houſe might " have of the partition treaty, " yet ſince, to the obſervation " of all Europe, the French " king had broke it, it was fit " to make that a paragraph of " the addreſs, that the king, " in all future treaties with that " crown, ſhould not truſt to " verbal aſſurances, but demand " a real ſecurity. This was ſo

Will. III. 1701. men, but with none more than with the king himſelf, who found his error in changing his miniſtry at ſo critical a time;

and

" conformable to the foot upon " which the king and the States " did give in the memorials at " the Hague, and was ſo con- " trary to the deſigns of the " French, who intended to of- " fer no other ſecurity but the " renewing the treaty of Ryſ- " wick, that it was no wonder, " if men gained by the French " gold ſhould have oppoſed it, " but it ſeemed very ſtrange to " ſee ſo great an oppoſition made " to it by men that muſt be pre- " ſumed incapable of corruption " and who are eſteemed ſteady " to their country; yet as there " are odd accidents that happen " ſometimes, but that lie ſo far " out of the way, that no ac- " count can be given of them; " ſo this drew on, I cannot tell " how, a debate of many hours, " and of much heat. If Ver- " ſailles had dictated the argu- " ments, they could not have " choſen them better, or wiſhed " them to have been more dex- " trouſly managed; though I " am ſure you are not capable " of letting this paſs upon you, " as if thoſe great men were " ſubject to the common frailty " of loving for ready money. " Therefore I will take no more " pains to ſecure you from it. " The vote was carried, and it " was followed by a proteſt, on " which I will make no reflec- " tions, for the perſons are a- " bove. I muſt only obſerve " one thing more, that votes " are generally conceived in " plain and ſimple terms; but " when addreſſes are to be made " purſuant to them, they are " enlarged in fuller expreſſions; " and that was not wanting in " this addreſs; much rhetoric " was employed: the partition " treaty was called, 'that fatal " treaty,' and was heavily load- " ed; but the laſt paragraph, " concerning a 'real ſecurity' " to be demanded from France, " was ſet down in the bare " words of the vote, without " the leaſt enlargement, how " much ſoever ſome who pen- " ned it love the beauties of elo- " quence. Yet that was too " tender a point to be touched " with a rough hand; an ad- " dition of any weighty words " might have been made a pre- " tence to a diſcount by thoſe " who will have pennyworths " for their money."

The reader will undoubtedly be pleaſed to find here another paper from the ſame hand, never yet printed, concerning the conduct of the miniſtry and of the leading men in the houſe of commons during this ſeſſion, with reſpect to foreign affairs. " It " is well known, ſays he, that " a few days before the king " came over, which was in the " beginning of November, he " had ordered Mr. Blathwayte " to write two poſt-days, one " after another, to the lords " juſtices, to prepare a procla- " mation, giving notice, that " the parliament was to meet " to do buſineſs on the 18th of " November. The king came " over himſelf before this was " to be publiſhed, and he ſoon

after

and he now ſaw, that the Tories were at heart irreconcileable to him; in particular, he was extremely uneaſy with the earl

Will. III. 1701.

" after had the news of the king
" of Spain's will, and of his
" death, which was quickly
" followed with a declaration,
" that the French king did ac-
" cept of the king of Spain's
" will: and therefore did not
" think fit to ſtand to the par-
" tition treaty. The king had
" a parliament current, and
" ready to meet in a few days,
" as he had intended it ſhould
" before this great turn of af-
" fairs. But the parliament was
" put off to a further day, and
" upon the hopes, and, as is
" ſaid, upon the undertakings
" of ſome, all was put off till
" the new ſheriffs were pricked;
" and as ſoon as they were fix-
" ed in their ſervice, the writs
" went out for a new parlia-
" ment, ſummoned to the 6th,
" but prorogued to the 10th of
" February. Here was one par-
" liament diſſolved, and another
" called, and by this means
" three months were loſt, which
" upon ſuch a great turn is a
" matter of no ſmall conſe-
" quence. England ſeemed un-
" certain or aſleep. This gave
" the French no ſmall encou-
" ragement, and was a great
" diſheartening to the emperor
" and the States. In all this
" time it is poſitively ſaid, that
" the new miniſtry preſſed the
" king vehemently to own the
" king of Spain. This is cer-
" tain, that both they and their
" friends ſaid, in all companies,
" and on all occaſions, that it
" was no matter who was king
" of Spain; the king of Spain
" muſt know his own intereſt;
" he muſt be governed by Spa-
" niſh councils, and they muſt
" be true to their ancient allies
" the Engliſh and Dutch, for
" that was to be true to them-
" ſelves. They ſaid England
" was not for a war, and in-
" deed not capable to go into
" one, while they were under
" ſo great a debt. They ſpared
" not to ſay, that the king was
" not for a war; and that he
" knew it, was impracticable.
" They ſpoke of the emperor as
" a prince not capable of doing
" any thing, and for whom we
" were to have no regard. All
" this while the king was on a
" great reſerve, and was told,
" as has been very confidently
" reported ſince, that, if he
" ſhewed any inclination to a
" war, that would raiſe jea-
" louſies which would very
" much obſtruct all buſineſs;
" and therefore it was neceſſary
" for his affairs, that he ſhould
" not diſcover his own thoughts
" of things. This well-meant
" reſervedneſs of the king's was
" at the ſame time given out to
" flow from his own averſion to
" engage in the emperor's quar-
" rels; but that he was ſtill in
" ſecret treaties and engage-
" ments with France.

" While they and their agents
" were infuſing theſe things into
" all that came up, but chiefly
" into the parliament-men, the
" citizens of London ſaw clear-
" ly, that the leaſt ill effect of
" the union of France and Spain
" muſt be the ruin of the trade

of

Will. III. 1701. earl of Rocheſter, of whoſe imperious and intractable temper he complained much, and ſeemed reſolved to diſengage himſelf

" of England, and ſpake openly of the neceſſity of a war; and it was ſurmiſed, that the old miniſtry were likewiſe for a war; and many began to ſpeak it openly, that as it ſeemed inevitable, that we muſt engage in a war, ſo this could not be managed but by a miniſtry that was both zealous and reſolute, and that was poſſeſſed of the eſteem and confidence of the nation, chiefly of the city, who would never make the advances of money that muſt be neceſſary in a war, unleſs they truſted the miniſtry. Whiſpers were ſet about, that the king retained a juſt ſenſe of thoſe who had helped him through his former war, and might think they would be uſeful to him in this. This, with the French practices, raiſed the ſtorm againſt them by thoſe who reſolved to conduct matters after their own way, and to keep them from a poſſibility of returning again into favour.

" As ſoon as the ſeſſion was opened, it was reſolved to carry a vote in the houſe of commons for an addreſs to the king to own the new king of Spain, though they knew that he had not yet owned the king, or given him notice of his acceſſion to that crown: but the honeſt zeal of Mr. Monkton, and others, had a happy effect. This was ſtopped, to the no ſmall grief of thoſe who had taken much pains in it, and, no doubt, expected to be well rewarded for it. The ſtream run another way, and then it appeared, that how much ſoever the prejudices of ſome had been wrought upon, yet the bulk of the houſe were ſtill true Engliſhmen; yet they retained ſo good an opinion of ſome men that had got too much credit among them, that things were ſuffered to cool, and the houſe was diverted to other matters, that can never be managed with temper. The houſe indeed declared for an alliance with the Dutch, and for a fleet; but it was ſo long before they could be brought to declare for an alliance with the emperor, that if the French had not diſpiſed all he could do, more perhaps than they do now, and if they had not depended on the ſtrength of their intereſt here, they would have, perhaps, made ſuch offers to the emperor, as might have prevailed on him, when he had ſo little reaſon to hope for any concurrence from us. The king received frequent meſſages from the States, repreſenting the extremities to which they were driven, of which, ſome were written in ſuch moving ſtrains, that few read them without feeling impreſſions of great tenderneſs. But there was a Stoical apathy ſomewhere, that could not be wrought on: and

" when

ſelf quickly from him, and never to return to him any more. Will. III.
He thought the party was neither ſolid nor ſincere, and that 1701.
they

" when by the intercepting the
" earl of Melfort's letter to his
" brother, we all ſaw how con-
" fident thoſe of St. Germain's
" were of their affairs, yet Sir
" Edward Seymour, Sir T. M.
" and others, looked on that
" but as a court-artifice, and
" had not ſo much regard to it
" as to order the printing of it,
" though the lords conſidered
" better of it. It was long be-
" fore the houſe could ſee thro'
" the artifices of thoſe who miſ-
" led them. The ten thouſand
" men, agreed to by old trea-
" ties to be ſent to the Dutch,
" could not be eaſily obtained:
" the matter was long delayed;
" and that the French intereſt
" might be ſerved one way
" when another failed, five
" thouſand of theſe were to be
" drawn out of Ireland; but
" particular care was taken that
" no new bodies ſhould be
" raiſed in their ſtead, that ſo
" Ireland might be left ſo na-
" ked, that there might be,
" perhaps, a new diverſion
" given us on that ſide, unleſs
" that is provided by the pru-
" dent management and great
" temper of the lord lieute-
" nant.

" In this ſlow method were
" things carried on, to the diſ-
" couragement of all Europe,
" who reckoned we were a ſold
" nation; or that we could be
" no more depended on.

" I could here run out into
" a long digreſſion, to ſhew you
" the various methods their
" party have taken in this, as
" well as in former ſeſſions, to
" blaſt the public credit; the
" effect of which was well fore-
" ſeen by thoſe who laboured
" it. They knew, the break-
" ing of credit muſt, for the fu-
" ture, hinder all advances of
" money; and this muſt have
" been fatal, eſpecially if we
" had engaged in a war. But
" I may, perhaps, entertain
" you with this on another oc-
" caſion. One particular only
" I will mention here. The
" credit of exchequer notes was
" a noble contrivance, to fur-
" niſh us with near three mil-
" lions of paper-money, till
" they ſunk gradually, as was
" projected in the firſt deſign.
" Pains were taken, in particu-
" lar, to blaſt this, yet 50,000*l.*
" as all the bankers ſaid, was
" ſufficient to keep up their cre-
" dit. But thoſe, who had a
" mind to make the ſupply as
" little effectual as was poſſible,
" moved, that one ſhilling in
" the pound ſhould go towards
" the quicker ſinking of them;
" and, ſince it muſt have been
" looked on as indecent to lay
" on more than three ſhillings
" in the pound, while we were
" not actually engaged in a war,
" by applying one of theſe to
" this effect, there were only
" two left, to anſwer the pub-
" lic occaſions, while yet the
" nation was to be poſſeſſed
" with this appearance of their
" zeal, by their giving three
" ſhillings in the pound. It is
" true, they voted a full propor-
" tion of ſeamen for a good
" fleet;

Will. III. 1701. they were actuated by paſſion and revenge, without any views with relation to the quiet of the nation, and affairs abroad.

The

" fleet; but even this was " ſpoiled in the management. " It is certain, that, in every " appearance of war, we ought " to be well guarded with a " good fleet: But a fleet, that " was to ply up and down in " the channel, was only a de- " fence to ourſelves, who were " in no danger of being at- " tacked. Three or four thou- " ſand marines would have " looked as if we intended to " act offenſively with our fleet, " and muſt have ſtruck terror " all over both the French and " the Spaniſh, and have put " them to no ſmall charge to " have ſecured themſelves. But, " for this very reaſon, every " motion, that way, was re- " jected; ſo, though it had " been too barefaced not to " have ſet out a good fleet, yet " care was taken, that neither " the Spaniards, nor the French, " ſhould ſuffer from it, not ſo " much as to be diſturbed with " any apprehenſions about any " part of it, except that, which " was neceſſary to be ſent to ſe- " cure our plantations. The " reſt was to be an uſeleſs piece " of pomp, only to conſume ſo " much of our ſtock, but was " not to be furniſhed ſo as to " be able to do our neighbours " much hurt. All this was ſo " ordered, that every thing went " on very ſlowly, that ſo the " French might have time to " practiſe upon all the courts of " Europe, in which their chief " topic was, that it was in vain " to rely on England: They " had many good friends there, " who would retard all their re- " ſolutions, and ſo work on the " animoſities, that were among " the different parties, that in- " ſtead of thinking to ſecure " themſelves, they were now " only ſet on ruining thoſe who " had hitherto, with much zeal " and great ſucceſs, ſupported " the preſent government. The " proceedings here made, that " this was eaſily believed; and " that, with ſome of thoſe ſe- " cret arguments, that were " employed here, has proved " ſo effectual, that a great many " of the circles and princes of " the empire incline to a neu- " trality, and has had no ſmall " effect on the king of Portugal; " ſo well have our delays ſer- " ved to carry on the deſigns " of France. The emperor's " miniſter was ſo ill uſed, that " he was often upon the point " of giving all for gone, and " of going home; and, though " the king uſed all poſſible me- " thods to perſuade him to ſtay, " yet he was ſo much diſcou- " raged, that he was often ſay- " ing, He feared, his giving " his maſter any hopes from " hence would be fatal to him. " In concluſion, the ſenſe of the " city, and of the whole nation, " diſcovered itſelf ſo evidently, " that it broke all theſe men's " meaſures. The greateſt part " of the houſe, who had un- " happily relied too much upon " them, began to ſuſpect their " conduct; and a fear of re- " ceiving the moſt public af- " fronts,

The violent proceedings of the commons, and their slowneſs with relation to foreign affairs, had not only diſpleaſed the king, but given a general diſguſt to the nation, and particularly to the city of London, where foreign affairs, and the intereſt of trade were generally better underſtood; the old Eaſt-India company, though they hated the miniſtry that ſet up the new, and ſtudied to ſupport this houſe of commons, from whom they expected much favour; yet they, as well as the reſt of the city, ſaw viſibly, that firſt the ruin of trade, and conſequently the ruin of the nation, muſt certainly enſue, if France and Spain were once firmly united. So they began openly to condemn the proceedings of the commons, and to Will. III. 1701. The Kentiſh petition, Pr. H. C. III. 140. Burnet.

" fronts, that the nation ever " put upon a houſe of com- " mons, forced them, in con- " cluſion, though not without " great and viſible reluctance, " to come to reſolutions becom- " ing a parliament of England, " was more owing to other ac- " cidents, than to the honeſty " of the managers. In one re- " ſpect, ſome of them were ho- " neſt, for they oppoſed them " to the laſt, even to the for- " feiting their own credit with " moſt of their party. One ad- " vantage our friends had to let " the king ſee they were not " diſpoſed to quarrel with any " thing he did, though it was " viſibly the effect of their coun- " ſels, who deſigned their ruin. " The king had aſſured both hou- " ſes, That he would acquaint " them with the whole progreſs " of the negotiation; yet an in- " cident happened of great con- " ſequence, in which they carried " their deſigns, without adviſing " either with council, or par- " liament. The king of Spain, " after long deliberation about " it, at laſt, wrote to the king. " By the date, and other cir- " cumſtances, it appeared, that " Mr. Harley knew, why he " moved the houſe to leave the " matter of owning the king of " Spain to the King. This " was a thing of ſuch conſe- " quence, that one would have " thought it deſerved to be well " conſidered, at home, and to " be communicated to our al- " lies, abroad, before it was " done. But ſo imperious are " ſome men in their advices, " that a return was made to the " letter, and the ſecret was " truſted to the court of France, " who publiſhed it in a very inde- " cent manner, to the ſurprize " of all Europe. Now, I leave " it to you to judge, what com- " plaints the other ſide would " have made, if they had diſ- " covered ſuch a proceeding in " the old miniſtry; and, you " will ſoon ſee, with what ad- " vantage they could have fal- " len on this ſtrange ſtep, ſo " oddly made; yet, ſo tender " they were of the king, and " ſo unwilling to find fault, " when his honour was already " engaged, that they choſe ra- " ther to let this go, than to " perplex the king's mind, as " well as his affairs, with new " complaints."

own

Will. III. 1701. own a jealouſy, that the Louis d'ors, ſent hither of late, had not come over to England for nothing. This diſpoſition, to blame the ſlowneſs in which the commons proceeded with reſpect to affairs abroad, ſpread itſelf through all England, and more eſpecially in Kent. Thoſe of that country, in a diſlike of the conduct of the commons, ſent up the following petition to that houſe:

May 8.

"WE the gentlemen, juſtices of the peace, grand "jury, and other freeholders, at the general quar- "ter ſeſſions of peace at Maidſtone in Kent, deeply con- "cerned at the dangerous eſtate of this kingdom, and of all "Europe; and conſidering, that the fate of us and our po- "ſterity depends upon the wiſdom of our repreſentatives in "parliament, think ourſelves bound in duty humbly to lay "before this honourable houſe the conſequences, in this "conjuncture, of your ſpeedy reſolution, and moſt ſincere "endeavour, to anſwer the great truſt repoſed in you by "your country.

"And in regard, that from the experience of all ages it is "manifeſt, no nation can be great or happy without union; "we hope that no pretence whatſoever ſhall be able to create "a miſunderſtanding among ourſelves, or the leaſt diſtruſt "of his moſt ſacred majeſty, whoſe great actions for this "nation are writ in the hearts of his ſubjects, and can never, "without the blackeſt ingratitude, be forgot.

"We moſt humbly implore this honourable houſe to have "regard to the 'voice of the people,' that our religion and "ſafety may be effectually provided for; that your loyal ad- "dreſſes may be turned into bills of ſupply; and that his "moſt ſacred majeſty (whoſe propitious and unblemiſhed "reign over us we pray God long to continue) may be "enabled powerfully to aſſiſt his allies, before it is too "late."

The petitioners are impriſoned.

This petition was ſigned by the deputy-lieutenants there preſent, above twenty juſtices of the peace, all the grand-jury, and other freeholders, and was boldly delivered to the houſe of commons on the 8th of May; and William Colepepper, Thomas Colepepper, David Polhill, Juſtinian Champney, and William Hamilton, Eſquires, being called in, owned the petition at the bar, and their hands to the ſame. They then withdrew, and, the petition being read, the houſe reſolved, "That the petition was ſcandalous, in- "ſolent, and ſeditious, tending to deſtroy the conſtitution

"of

" of parliaments, and to ſubvert the eſtabliſhed government Will. III.
" of theſe realms." And then ordered, " That all thoſe 1701.
" gentlemen ſhould be taken into cuſtody, as guilty of pro-
" moting the petition." And on the 14th of May, the houſe being informed, that Mr. Thomas Colepepper had made his eſcape, and that the reſt of the perſons committed were like to be reſcued, ordered them to be delivered priſoners to the Gate-houſe, and agreed to addreſs his majeſty, to iſſue his proclamation for apprehending Mr. Colepepper, and for putting out of the commiſſions of peace and lieutenancy ſuch others, as were in any of the ſaid commiſſions. But Mr. Colepepper made a voluntary ſurrender of himſelf, and was confined with his neighbours (b).

This

(b) The committing of theſe gentlemen is juſtified by Dr. Drake, in his ' Hiſtory of the ' laſt parliament,' who aſſerts, " That the commons had been " wanting in their duty to the " people, whoſe repreſentatives " they are, if they had tamely " put up ſuch an inſult upon " their authority, without ſhew- " ing their reſentment, and " thereby deterring others from " following an example of ſo " dangerous conſequence." And he cites a paſſage from colonel Algernon Sidney's ' Diſcourſe ' of Government,' C. 3. §. 44. p. 451, 454, upon the point of petitioning; whence he obſerves, " It is plain, that the Kentiſh " petitioners were guilty not " only of miſbehaviour and ill " manners to the houſe, but of " a notorious violation of the " rights of the people, in aſſu- " ming to themſelves a power, " which belonged to the whole; " and therefore the houſe could " not, without breach of truſt, " paſs over uncorrected ſuch " uſurpations upon the whole " commons, and ſuch affronts " upon their repreſentatives, " with whom their authority " was lodged."

On the other ſide, the Kentiſh gentlemen were vindicated in a piece, printed in 1701, and reprinted in the third volume of the ' State-Tracts during the ' reign of King William,' and intitled, ' Jura Populi Anglicani: Or, The ſubjects right ' of Petitioning ſet forth; occa- ' ſioned by the caſe of the Ken- ' tiſh Petitioners. With ſome ' thoughts on the reaſons, which ' induced thoſe Gentlemen to ' petition; and of the Com- ' mons right of impriſoning.' The author of this piece obſerves in his preface, " That it was a " melancholy reflection to con- " ſider how univerſal a diſſatis- " faction the management of " the houſe of commons had " this laſt ſeſſion cauſed in the " people of England; and that " among thoſe, who arraigned " their proceedings, there were " none, who did not make the " treatment of the five gentle- " men, who preſented the " Kentiſh petition, one article " of impeachment againſt them; " and that the moſt intelligent

" part

Will. III. 1701. This impriſonment of the Kentiſh petitioners did but inflame thoſe people, who were before diſpleaſed with the proceedings

" part of the people had been " free in ſaying, that the puniſhment of them plainly demonſtrated very extraordinary " deſigns, and muſt be allowed, " even by men of candour and " ſenſe to give juſt grounds for " all the jealouſies and ſuſpicions, that had been entertained." He then obſerves, " That it was not to be wondered at, that the impriſonment of the Kentiſh petitioners ſhould have the voices of " the major part of the houſe of " commons, when (beſides the " great inclination diſcovered " by the ſpeaker) Sir Edward " Seymour, Sir Bartholomew " Shower, Mr. John Howe, " Mr. Hammond, Mr. Harcourt, and others, preſſed " violently for it. What ſo " many leaders in the party contended earneſtly for, could " not but have the approbation of thoſe, who voted as " conſtantly with them, as if " they thought it both their " duty and intereſt ſo to do. " But, though that was the act " of the greater part, it was not " of the whole houſe of commons. All thoſe worthy and " honourable members, who " have always firmly adhered " to his majeſty's intereſt, who " have aſſociated for him, who " have given perpetual demonſtrations of their enmity to " France and the abdicated family, and heartily deſired to " have all thoſe things done, " which the Kentiſh gentlemen " petitioned for, were averſe to " this, as they were to other " fatal proceedings, which yet " they had not power to prevent." He then endeavours to ſhew, that the 'houſe of 'commons are not repreſentatives of the whole people of 'England,' and that, 'the 'houſe of lords are no leſs re'preſentatives of the people of 'England than they.' He obſerves, that the Tory party had governed the houſe of commons the laſt ſeſſion. " If we conſider the men, (ſays he) and " compare what they have done " with the pretended principles " of their party, it will hardly " ſeem odder to ſee Sir Edward " Seymour bring in a bill to prevent Bribery; or Mr. John " Howe exclaim againſt Exorbitant Grants; or Sir Chriſtopher Muſgrave violent either againſt Grants or a " Standing Army; or to find " them, who diſcovered a plain " inclination to quiet France in " the poſſeſſion of all the Spaniſh dominions, quarrel at " the treaty of partition for giving France too much; than " to ſee them aſſume the name " of Tories. Is not Robin " Harley a ringleader in this " Tory party? Is not his brother Edward a leading member? Does not he attend all " ordinances, and as conſtantly " every week-day frequent the " ſervice of the church (for his " is a church party) in St. Stephen's chapel, as he does the " conventicle every Lord's day? " Are not the Foley's, Winnington's,

ceedings of the commons, and gave occaſion to a piece, ſuppoſed to be drawn by Daniel de Foe, intitled, 'A memorial' Will. III. 1701.

"ningtons, St. Johns, H—y of
"Weymouth, B—ſton, H—n,
"R—yb, and others of that
"leaven, members of this fra-
"ternity? It is methinks hard
"to ſay how a faction blended
"with ſuch a number of names
"noted for their inveteracy to
"the true Tory principles, can
"be called a Tory party? No-
"thing ſure, but mere neceſſity
"and want of men to ſerve
"ſome great deſign, could make
"them, who pretend to be ge-
"nuine Tories, and conſe-
"quently muſt hate a Compre-
"henſion, and love to keep
"their party pure and unmixed,
"herd with a ſett of men ſo
"odious to them. But upon
"ſecond thoughts the wonder
"will not ſeem ſo great: What-
"ever difference might for-
"merly have been between
"them, it will upon a fair exa-
"mination now appear, that
"there is a great agreement in
"their principles, and that thoſe
"who keep up their faction
"by retaining the name of To-
"ries, and running down
"Whigs, have nothing but the
"bare name of their party, and
"are that very thing, which
"they ran down. This will be
"very evident to any one, who
"will but take a ſhort view of
"what they have done, and com-
"pare the loyalty of their behavi-
"our with their loyal principles.

"Formerly the Tory doctrine
"was, 'That the king was
"the breath of our no-
"'ſtrils;' that we failed in our
"allegiance to him, and de-
"ſerved not the name of loyal
"ſubjects, unleſs we valued his
"life more than our own, and
"would do all that lay in our
"power to preſerve him and
"his government, by ſhewing
"an inclination to deſtroy his
"enemies. Is this the temper
"and ſpirit of our preſent times?
"Are not Sir Edward Seymour,
"Sir Chriſtopher Muſgrave, and
"forty more, at this very time
"members of the houſe of com-
"mons, and of this Tory party,
"who, when the conſpiracy
"againſt the king was diſco-
"vered, and an army lay ready
"to invade us, refuſed the Vo-
"luntary Aſſociation, which
"was reckoned the beſt expe-
"dient to preſerve the king's
"life, and prevent the ruin of
"this kingdom? Formerly To-
"ries reckoned it an act of
"duty and loyalty to repoſe an
"intire confidence in the king,
"and to deſire, that he might
"be gratified, as with every
"thing elſe, ſo particularly with
"ſuch an army as he deſired.
"And in the late reign, when
"the army conſiſted of nineteen
"thouſand men, and the king
"had no other occaſion for
"them but to terrify and afflict
"his own ſubjects, Sir Chriſto-
"pher Muſgrave was pleaſed
"to ſay in the houſe of com-
"mons, 'It was a deplorable
"'thing, that the king ſhould
"'have no better army.' Was
"it not that good old loyaliſt,
"and the men of that party
"principally, who reduced his
"preſent majeſty to the allow-

Will. III. 1701. ‘ rial from the Gentlemen, Freeholders, and Inhabitants ‘ of the Counties of——in behalf of themſelves and many ‘ thou-

“ ance of ſeven thouſand men, “ and were the cauſe of all the “ calamities, that have been “ occaſioned by it? In the reign “ of king Charles II, when that “ gentleman had grants from “ the king, it would have “ ſeemed no leſs a prodigy in “ theſe kingdoms, to ſee a Tory “ houſe of commons offer to in- “ termeddle with the king's “ grants, as they have done, “ and make it an article of im- “ peachment againſt a great “ miniſter, to take a grant from “ the crown, than to ſee a “ church party, who have told “ us, that the king is Chriſt's “ vicegerent, and head of the “ church here upon earth, and “ that he has an uncontroulable “ right to diſpoſe, as he pleaſes, “ of thoſe fees, with which the “ crown has endowed the “ church, offer to deſtroy the “ king's right, by bringing in “ a bill to prevent the tranſla- “ tion of biſhops from one ſee “ to another. This bill de- “ ſigned no great favour to the “ king or the hierarchy; yet “ Sir John Packington, who “ brought it into the houſe, “ muſt be thought a loyaliſt, “ and true ſon of the church, “ becauſe he tells churchmen “ that he is ſo. Though it was “ a bill ‘ for the better ſecuring “ ‘ the Proteſtant religion,’ yet “ there are but few Proteſtants, “ I believe, concerned, that it “ is adjourned (as the neceſſary “ methods for ſecuring our reli- “ gion are) to another ſeſſion of “ parliament. If it be the next “ ſeſſion tacked to a money-bill “ (as the Jacobites ſay it will be) “ then we ſhall ſee the Prote- “ ſtant religion as well ſecured, “ as ſome people would have it, “ who now turn the methods of “ ſecuring it into jeſt and ridi- “ cule. I could heartily wiſh “ there were no other inſtances “ but thoſe I have here men- “ tioned, of the ill treatment “ which both the monarchy “ and hierarchy have had from “ this loyal church-party (as “ they would fain be reputed) “ whoſe practiſes of late have “ been the plain reverſe of what “ they formerly profeſſed. Have “ not they arraigned the king's “ power ‘ in making treaties,’ “ which was never diſputed in “ any former reign, no not by “ thoſe demagogues in the reign “ of king Charles I, whoſe me- “ mories and practiſes they pre- “ tend to hate? Have not they “ pulled down one principal “ pillar and ſupport of the mo- “ narchy, by creating a diſtruſt “ between the king and his “ people, by repreſenting men “ unfit for the ſervice of the “ public, and excluding them “ from having any thing to do “ in the election of their repre- “ ſentatives, who are in places “ of truſt under the king? Have “ they not deſtroyed our very “ conſtitution, and made our “ government plainly popular, “ under their ſole management “ and direction? Is it not a “ popular government, and a “ very intolerable one, where “ they have uſurped the power

“ of

" thouſands of the good People of England," and ſigned Le- Will. III.
gion. This was ſent to the ſpeaker with a letter, charging 1701.
and

" of the king and the lords,
" and broken in upon the rights
" of the people, by taking the
" execution and legiſlation upon
" themſelves, and puniſhing con-
" trary to law? Have not they
" aſſumed the power of the
" king, both executive and le-
" giſlative, when they are grown
" to that exorbitancy of power,
" that they expect he will do
" whatever they require of him,
" though it be to puniſh ſome,
" who have long toiled in the
" ſupport of his government,
" and turn out others from pla-
" ces of public truſt, who have
" appeared with a warm and
" extraordinary zeal in his and
" their country's ſervice; when
" they take upon them to cen-
" ſure and condemn what he
" does, though it be profitable
" to us and our friends, and his
" undoubted right and preroga-
" tive to do it; when, to pre-
" vent the miſchief and confu-
" ſion, in which his enemies
" would involve his kingdoms,
" he has been forced to give the
" royal aſſent, where he knew
" it would not only hurt many
" of his friends, but a very
" great number of his good and
" loyal ſubjects, and be of very
" ill conſequence to his affairs
" abroad? Have they not in-
" vaded and uſurped the power
" of the lords, by endeavour-
" ing to deſtroy their juriſdic-
" tion, by tying them to new
" rules and methods in their
" judicature, and forcing their
" aſſent to laws, by tacking of
" clauſes, and leaving with
" them, together with the bill,
" all the ill conſequences, that
" ſhould attend the rejecting it;
" which is plainly threatening
" them with the wrath and re-
" ſentment of the nation, impo-
" ſed on and incenſed by them?
" Have they not been highly
" injurious to the people, and
" invaded their rights, by ta-
" king the execution of the laws
" upon them, which belongs
" not to their province, and
" impriſoning ſuch numbers of
" their fellow-commons, as they
" have done this ſeſſion? It
" muſt be very extraordinary aſ-
" ſurance, that can make a
" party, which has not only
" thus arraigned the actions of
" his majeſty, and been a con-
" ſtant clog upon the wheels of
" this government, but has
" likewiſe uſurped his power,
" and brought in an arbitrary
" popular government, aſſume
" the name of Loyaliſts, and
" call others turbulent ſeditious
" Republicans. If we would
" judge right between the two
" contending parties, we ought
" to conſider their actions,
" and not the names and cha-
" racters they themſelves aſ-
" ſume or give one to another.
" If it be evident, that the Tories
" have been highly prejudiced
" againſt his majeſty's govern-
" ment; if they have uſurped
" upon the crown, and depri-
" ved it of many of its juſt
" rights; and the Whigs have
" borne a conſtant affection to
" the king, and endeavoured to
" continue him in poſſeſſion

Will. III. and commanding him, in the name of two hundred thouſand
1701. Engliſh

" of all his rights and prerogatives: If, in ſettling the ſucceſſion in the Proteſtant line, " Tories have not only diſcovered a perfect averſion to " the act, and uſed artifices to " elude it, but likewiſe framed " that new bill of rights which " was not contrived to recommend the crown, and make " it amiable to the ſucceſſors; " and the Whigs on the other " hand ſhewed themſelves both " eager to have the crown ſettled, and unwilling to have " ſuch a breach made in the " prerogative; then it will be " evident, that the Whigs loyalty is greater than the Tories; " or that the object, they have " placed it upon, makes it more " agreeable to us, and apter to " promote our happineſs and " tranquillity. If Tories be of " thoſe loyal principles they " boaſt of, and the object be " the abdicated family; if it be " this loyalty of their principles, and the regard they " have to the intereſt of that " family, that has made them " uneaſy to the king, and " downright Republicans under " his government, true Engliſhmen will find but little reaſon, " as things now ſtand, to admire their principles, or run " into their party. The caſe " in ſhort is thus: To this loyal " Tory party (as they would be " eſteemed) we find all thoſe attached, whoſe principles imbibed in the late reigns make " them firmly adhere to the intereſt of king James. Here " we find all thoſe in a manner, " who were againſt the abdication, and recognition, who " would not allow his preſent " majeſty to be rightful king, " and refuſed to enter into the " Aſſociation to preſerve him " and his government. In this " party are all thoſe likewiſe, " whom either the love of money, or of the St. Germain " family, or Popery, has reconciled to the French intereſt. " It is moſt certain, that there " is not a man in the houſe engaged in any of theſe intereſts, " who is not one of this party; " and as certain it is, that all " the Papiſts, friends of king " James and the French king, " without doors, applaud their " proceedings, and own, that " they are fairly repreſented by " them. From this account then " it will appear, that the parties are truly and properly to " be diſtinguiſhed into thoſe, " who are for the Jacobite or " French intereſt (for it is impoſſible to ſeparate them) and " thoſe who are for our preſent " ſettlement, or the true intereſt " of England."

The author having made theſe remarks in his preface, begins his diſcourſe with obſerving, that England has moſt reaſon of all other countries, to be apprehenſive of the growing power of France, 'when we conſider our 'ſituation, the affairs of com'merce and religion, and the 'intereſt not only of the abdica'ted family, but of their great 'protector likewiſe, among us:' That theſe apprehenſions were the ground of the diſcontents and re-

Engliſhmen, to deliver it to the houſe of commons (a). The memorial began with a preamble upon this maxim, 'That 'what— Will. III. 1701.

reſentments expreſſed by the people againſt their repreſentatives in the houſe of commons, from a ſuſpicion of a much greater inclination in that houſe to continue than to deſtroy the union of power by the ſettlement of France and Spain in one family, and that they gave occaſion to the Kentiſh petition; the preſenters of which being impriſoned by the houſe of commons, he inquires into theſe three points: I. What power that houſe has to impriſon: II. The ſubjects right of petitioning: III. What reaſon the gentlemen, juſtices of the peace, and grand jury of the county of Kent had to offer that petition, when they did. With regard to the firſt point, he obſerves, that the repreſentatives of the people have no power above law; that the liberty of the people is taken care of by both Common and Statute Law; the former abhorring impriſonment, and never allowing it, unleſs when men have been guilty of force, and rendered themſelves enemies to the community; and the latter having frequently injoined, that it ſhall not be inflicted, unleſs by indictment, or ſuch due proceſs as the law requires. He affirms, that the power aſſumed by the houſe of commons was an invaſion of the legal rights of the people; and that the power of that houſe to impriſon extends only to their own members. As to the ſecond point, he ſhews, that the ſubjects right of petitioning is agreeable to nature, and confirmed by the ſtatute law of the land, and juſtified by the votes of the houſe of commons in 1680. With regard to the laſt point, he obſerves, that the reaſons which the Kentiſh gentlemen had to petition, were the increaſing greatneſs of France, and the breaches which had been made in the Proteſtant religion, ſince the beginning of the laſt age, with juſt ſuſpicions that French gold had an influence on the management of public affairs.

(a) The letter was as follows:

Mr. Speaker,

"The incloſed memorial you "are charged with, in behalf "of many thouſands of the "good people of England.

"There is neither Popiſh, "Jacobite, Seditious, Court or "Party-Intereſt concerned in "it; but honeſty and truth.

"You are commanded by "two hundred thouſand En-"gliſhmen, to deliver it to the "H—— of C——s, and to "inform them that it is no ban-"ter, but ſerious truth; and a "ſerious regard to it is expec-"ted; nothing but juſtice and "their duty is required, and it "is required by them, who "have both a right to require, "and power to compel, viz. "the people of England.

"We could have come to "the houſe ſtrong enough to "oblige them to hear us, but "we have avoided any tumult,

Will. III. 1701. ‘whatever power is above law, is burdenſome and tyranni-
‘cal, and may be reduced by extrajudicial methods.’ Then it charged the houſe with illegal and unwarrantable practices in fifteen particulars, of which the three firſt were as follow: “I. To raiſe funds for money, and declare, by borrowing “clauſes, that whoſoever advances money on thoſe funds, “ſhall be reimburſed out of the next aids, if the funds ſhall “fall ſhort; and then give ſubſequent funds, without tranſ-“ferring the deficiency of the former, is a horrible cheat on “the ſubjects who lent the money, a breach of public faith, “and deſtructive to the honour and credit of parliaments. “II. To impriſon men, who are not of your own members, “by no proceedings but a vote of your own houſe, and to “continue them in cuſtody, ſine die, is illegal, a notorious “breach of the liberty of the people, ſetting up a diſpenſing “power in the houſe of commons, which your fathers never “pretended to; bidding defiance to the Habeas Corpus act, “which is the bulwark of perſonal liberty; deſtructive of the “laws; and betraying the truſt repoſed in you; the king “being at the ſame time obliged to aſk you leave to continue “in cuſtody the horrid aſſaſſinators of his perſon. III. Com-“mitting to cuſtody thoſe gentlemen, who, at the command “of the people (whoſe ſervants you are) came in a peacea-“ble way to put you in mind of your duty, is illegal and “injurious: deſtructive of the ſubjects liberty of petitioning “for redreſs of grievances, which has by all parliaments be-“fore you been acknowledged to be their undoubted right.” After enumerating twelve other particulars (b), the memorial

“not deſiring to embroil, but “to ſave our native country.

“If you refuſe to communi-“cate it to them, you will find “cauſe in a ſhort time to re-“pent it.”

To R——t H——y, Eſq,
S—r to the H— of C—s.

(b) Theſe were:

“VI. Proſecuting the crime “of bribery in ſome to ſerve a “party, and then proceed no “further, though proof lay be-“fore you, is partial and un-“juſt, and a ſcandal upon the “honour of parliaments.

“VII. Voting the treaty of “partition fatal to Europe, be-“cauſe it gave ſo much of the “Spaniſh dominions to the “French, and not concern “yourſelves to prevent their “taking poſſeſſion of it all. “Deſerting the Dutch, when “the French are at their doors, “till it be almoſt too late to “help them, is unjuſt to our “treaties, and unkind to our “confederates, diſhonourable “to the Engliſh nation, and

“ſhews

rial proceeds to a claim of right under ſeven heads, of which the three former run thus: "We do hereby claim and de- Will. III. 1701.
"clare,

"ſhews you very negligent of "the ſafety of England, and "of our Proteſtant neigh- "bours.

"VIII. Ordering immediate hearings to trifling petitions, to pleaſe parties in "elections; and poſtpone the "petition of a widow, for the "blood of her murdered daughter, without giving it a reading, is an illegal delay of "juſtice, diſhonourable to the "public juſtice of the nation.

"IX. Addreſſing the king "to diſplace his friends upon "bare ſurmiſes, before the legal trial or article proved, is "illegal, and inverting the law, "and making execution go before judgment, contrary to "the true ſenſe of the law, "which eſteems every man a "good man, till ſomething appears to the contrary.

"X. Delaying proceedings "upon capital impeachments, "to blaſt the reputation of the "perſons, without proving the "fact, is illegal and oppreſſive, "deſtructive to the liberty of "Engliſhmen, a delay of juſtice, "and a reproach of parliaments.

"XI. Suffering ſaucy and "indecent reproaches upon his "majeſty's perſon to be publickly made in your houſe, "particularly that impudent "ſcandal of parliaments, J—n "H—w, without ſhewing ſuch "reſentments as you ought to "do, the ſaid J—n H—w ſaying openly, 'That his ma- "'jeſty had made a felonious "'treaty to rob his neigh- "'bours;' inſinuating, 'That "'the partition-treaty' (which "was every way as juſt as "blowing up one man's houſe "to ſave another's) 'was a "'combination of the king to "'rob the crown of Spain of "'its due.' This is making a "Billingſgate of the houſe, and "ſetting up to bully your ſovereign, contrary to the intent, "and meaning of the freedom "of ſpeech, which you claim "as a right, is ſcandalous to "parliaments, undutiful and "unmannerly, and a reproach "to the whole nation.

"XII. Your S—r exacting "the exorbitant rate of 10l. "per diem for the V—s, and "giving the printer encouragement to raiſe it on the people, by ſelling them at 4d. "per ſheet, is an illegal and "arbitrary exaction, diſhonourable to the houſe, and burthenſome to the people.

"XIII. Neglecting to pay "the nation's debts, compounding for intereſt, and poſtponing petitions, is illegal, "diſhonourable, and deſtructive "of the public faith.

"XIV. Public neglecting the "great work of reformation of "manners, though often preſſed to it by the king, to the "great diſhonour of God, and "encouragement of vice, is a "neglect of your duty, and an "abuſe of the truſt repoſed in "you by God, his majeſty, and "the people.

"XV. Being ſcandalouſly

Will. III. 1701. "clare, I. That it is the undoubted right of the people of "England, in caſe their repreſentatives in parliament do not "proceed according to their duty and the people's intereſt, "to inform them of their diſlike, diſown their actions, and "to direct them to ſuch things, as they think fit, either by "petition, addreſs, propoſal, memorial, or any other "peaceable way. II. That the houſe of commons ſepa- "rately, and otherwiſe than by bill legally paſſed into an "act, have no legal power to ſuſpend or diſpenſe with the "laws of the land, any more than the king has by his pre- "rogative. III. That the houſe of commons have no legal "power to impriſon any perſon, or commit him to cuſtody "of ſerjeants, or otherwiſe (their own members excepted) "but ought to addreſs the king to cauſe any perſon, on good "ground, to be apprehended; which perſon, ſo appre- "hended, ought to have the benefit of the Habeas Corpus "act, and be fairly brought to a trial by due courſe of law." After other claims (c) it concludes, "Thus, Gentlemen, "you

"vicious yourſelves, both in "your minds and religion, "lewd in life, and erroneous "in doctrine, having public "blaſphemers, and impudent "deniers of our Saviour's divi- "nity among you, and ſuffer- "ing them unreproved and un- "puniſhed, to the infinite re- "gret of all good Chriſtians, "and the juſt abhorrence of the "whole nation."

(c) A fourth claim was: "That if the houſe of com- "mons, in breach of the laws "and liberties of the people, "do betray the truſt repoſed in "them, and act negligently, or "arbitrarily and illegally, it is "the undoubted right of the "people of England to call "them to an account for the "ſame, and by convention, "aſſembly, or force, may pro- "ceed againſt them, as traytors "and betrayers of their coun- "try." Then they demanded in the name of themſelves and all the people of England:

"1. That all the public juſt "debts of the nation be forth- "with paid and diſcharged.

"2. That all perſons ille- "gally impriſoned, as afore- "ſaid, be either immediately "diſcharged, or admitted to "bail, as by law they ought "to be; and the liberty of the "ſubject recognized and reſto- "red.

"3. That J—n H—w afore- "ſaid be obliged to aſk his "majeſty pardon for his vile "reflections, or be immediately "expelled the houſe.

"4. That the growing power "of France be taken into con- "ſideration, the ſucceſſion of "the emperor to the crown of "Spain ſupported, our Prote- "ſtant neighbours protected, as "the true intereſt of England "and the Proteſtant religion "require.

"5. That

" you have your duty laid before you, which it is hoped you Will. III.
" will think of. But if you continue to neglect it, you may 1701.
" expect to be treated according to the reſentments of an
" injured nation; for Engliſhmen are no more to be ſlaves
" to parliaments than to kings. Our name is Legion, and
" we are many."

The commons were extremely incenſed at this memorial, but could not deſcend to a particular cenſure of it. It was thought ſufficient, that a complaint was made to the houſe, of endeavours to raiſe tumults and ſeditions, in order to diſturb the public affairs; and a committee was appointed to draw up an addreſs to be preſented to his majeſty, humbly to lay before him the endeavours of ſeveral ill diſpoſed perſons, to raiſe tumults and ſeditions in the kingdom, and humbly beſeech him, that he would provide for the public peace and ſecurity.

But the Kentiſh gentlemen, who lay in priſon till the prorogation of the parliament, were much viſited and treated as confeſſors; for a deſign had been laid to get addreſſes of the ſame nature with theirs from all parts of England, and eſpecially from the city of London. The miniſters repreſented to the king, what an indignity this would be to the houſe of commons; and that, if he did not diſcourage it, he might look for unacceptable things from them; and that it might rather diſcourage than give heart to his allies, if they ſhould ſee ſuch a disjointing, and both city and country in an oppoſition to the houſe of commons. Some went in his majeſty's name to the eminent men of the city, to divert it; yet with all this it came ſo near, for ſuch an addreſs in a common council, that the lord mayor's vote turned it for the negative.

As, by theſe proceedings, a diſpoſition to a war, and to a more hearty concurrence with the king, appeared to be the general ſenſe of the nation, it had a great effect on the houſe

" 5. That the French king
" be obliged to quit Flanders,
" or that his majeſty be addreſ-
" ſed to declare war againſt
" him.

" 6. That ſuitable ſupplies
" be granted to his majeſty for
" the putting all thoſe neceſſary
" things in execution, and that
" care be taken that ſuch taxes
" as are raiſed be more equally
" aſſeſſed and collected, and
" ſcandalous deficiencies pre-
" vented.

" 7. That the thanks of the
" houſe may be given to thoſe
" gentlemen, who ſo gallantly
" appeared in the behalf of
" their country with the Ken-
" tiſh petition, and have been
" ſo ſcandalouſly uſed for it."

of

Will. III. 1701. of commons, and drew from them the addreſs before-mentioned *. Whereby they deſired the king to enter into ſuch alliances with the emperor and other ſtates, as were neceſſary for the ſupport of us and our allies, and to bring down the exorbitant power of France. It is true, this was oppoſed with great zeal by thoſe, who were looked upon as the chief conductors of the Jacobite party; but many, who had in other things gone along with them, thought this was the only means left to recover their credit with the people; for the current ran ſo ſtrong for a war, that thoſe who ſtruggled againſt it, were conſidered as little better than public enemies. The commons alſo were from hence induced to ſettle good funds for a million and half. Indeed, one of theſe funds was very unacceptable to the king; it was obſerved, that the allotment for the civil liſt did far exceed the ſum that was deſigned, which was only 600,000 l. and that, as king James's queen would not take her jointure, ſo, by the duke of Glouceſter's death, the charge on it was now leſs than when it was granted; ſo they took 3700 l. a week out of the exciſe, and, upon an aſſignation made of that for ſome years, a great ſum was raiſed: This was very ungrateful to the court, and the new miniſters found it no eaſy thing to maintain, at the ſame time, their intereſt with the king and their party.

* P. 440.

An act explaining privilege.

There was alſo a very good act paſſed this ſeſſion concerning the privilege of parliament. Peers had, by law, a cuſtom and privilege for themſelves and their ſervants, during the ſeſſion, and at leaſt twenty days before and after. Of late they had reckoned forty days before and after, in which neither they nor their ſervants could be ſued in any court, unleſs for treaſon, felony, or breach of the peace. The houſe of commons had alſo poſſeſſed themſelves of the ſame privilege, but with this difference, that the lords pretended theirs was a right, not ſubject to the order of the houſe of lords; whereas the commons held, that their privilege was ſubject to the authority of their houſe. Of late years ſeſſions were long, and continued by intermediate prorogations, ſo that the whole year round was a time of privilege. This made a great obſtruction in the courſe of juſtice, and none who were ſo protected could be ſued for debt. The abuſe was carried farther by the protections which ſome lords gave, or rather ſold to perſons who were no way concerned in their affairs; but, when they needed this ſhelter, they had a pretended office given them, that was a bar to all arreſts. After many fruitleſs attempts to regulate theſe abuſes, a bill was brought into

into the houſe of commons, that took away all privilege againſt legal proſecutions in intermediate prorogations, and did ſo regulate it during the ſitting of parliament, that an effectual remedy was provided for a grievance that had been long and much complained of. Theſe were the only popular things that were done by this parliament, the reſt of their proceedings ſhewed both the madneſs and fury of parties. Will. III. 1701.

The miſunderſtanding between the two houſes was ſo great, that there was hardly any public bill paſſed without amendments and conferences. The laſt conteſt was about a bill ſent up by the commons, for appointing commiſſioners to examine and ſtate the public accounts. To this bill the lords having made ſome amendments, the commons refuſed to conſent to them, inſinuating in their reaſons, that there had been immenſe ſums of the public money embezzled by thoſe that had the management of it. "Many millions (ſay they) have been given to his majeſty by the commons for the ſervice of the public, which remain yet unaccounted for (d)." To interrupt theſe diſputes, the king, without taking The parliament is prorogued.

(d) The proceedings of the houſe of commons in this bill are vindicated by Dr. Drake, in his 'Hiſtory of the laſt Parliament, began at Weſtminſter the 10th day of February 1701.' But on the other ſide were publiſhed, 'Some Remarks on that Bill, and on the 'Proceedings thereon in both 'Houſes,' printed in 1701, and inſerted in the 'the third Volume' of the State Tracts during the reign of king William.' The writer of theſe remarks firſt conſiders the ſix ſeveral acts for conſtituting ſuch commiſſioners ſince the revolution, and what had been done by them; and then ſhews, how it was managed to lay the loſs of the laſt bill upon the houſe of lords, and the reaſons why the lords might not be willing to agree to that bill; and ſignifies the ſeveral amendments which they made in it. He obſerves likewiſe, that the lords might determine upon the characters of the commiſſioners named by the commons, as well as upon their buſineſs. "Suppoſe then (ſays he) that one was known "to have no eſtate to ſubſiſt on, "and therefore could not afford "to ſerve for nothing: Another to be too fond of his "practice, to ſacrifice it all to "the public without a proſpect "of advantage: Another to "have too much value for his "wit, to venture the dulling "the edge of it upon hard and "crabbed accounts. Suppoſe "that ſome lords knew the "ſtory of a certain gentleman's "getting, by great ſollicitation, a pretended ſecurity of "10,000 l. from his friend, "when there was not ſix pence "due to him, nor he worth "100 l. in the world, in order "by

Will. III. taking any notice of them, thought proper to put an end to
1701. the ſeſſion of parliament on the 24th of June, when he made
the following ſpeech to both houſes:

"My

" by that deceit to procure him-
" ſelf a wife. Suppoſe that
" other lords might think it
" ominous to ſee a new bill
" of accounts with a cer-
" tain gentleman's name in it,
" and preſently apprehend ano-
" ther aſſaſſinating year; and
" remember, who refuſed to
" act in the former commiſſion,
" after Charnock's conſpiracy
" was diſcovered, and ſubſcri-
" bing the aſſociation made ne-
" ceſſary to qualify him for act-
" ing. Suppoſe it to be known,
" that none of theſe commiſ-
" ſioners were eminent for ſkill
" in accounts; might not theſe,
" or other better reaſons, move
" the lords to diſlike the bill
" for the ſake of the commiſ-
" ſioners?" The author re-
marks likewiſe, that the com-
miſſioners appointed in 1700
had ſtated the whole expence of
the late war to amount to forty-
one million; 'in which (ſays
'he) they ſufficiently expoſed
'one of the commiſſioners na-
'med in that part of the bill,
'which was diſagreed to by the
'lords; Dr. Davenant, who
'had before in print pretended,
'that, upon a nice calculation,
'the expence amounted to up-
'wards of ſixty millions. A
'miſtake of nineteen millions is
'no ſmall one, if men are ſo
'charitable to call it a miſtake.
'But, whether this was his ig-
'norance, or his ill meaning,
'either of them was a good
'ground for the lords not to
'agree to ſuch a man's being
'intruſted as a commiſſioner to
'take this account again.' He
afterwards takes notice, that all
that part of the bill which rela-
ted to the commiſſioners for ſta-
ting the debts of the army, navy,
and tranſport-ſhips, which was
indeed the whole act that paſſed
the preceding year, was paſſed
by the lords without alteration;
" and therefore, if any pub-
" lic or private inconvenience
" ſhould ariſe by the not con-
" tinuing of that law, the blame
" will in no ſort fall upon the
" lords, who paſſed it as it
" came to them, and returned
" the bill to the commons with
" all poſſible expedition." It
" was ſent up to the lords on
" the 18th, and ordered to be
" returned to the houſe of com-
" mons on the 23d of June."
He then repreſents the unpar-
liamentary proceedings of the
commons upon the lords amend-
ments. " If (ſays he) the houſe
" of commons remained unſa-
" tisfied with any of the lords
" amendments, the known and
" only parliamentary method
" to ſet ſuch a matter right was
" by deſiring a conference, at
" which they might offer their
" reaſons to the lords for diſ-
" agreeing to their amendments,
" in order to convince them of
" the reaſonableneſs of quitting
" them. To leave this method
" is to decline all parliamen-
" tary correſpondence; for the
" two houſes, after any diffe-
" rence in opinion, can never
" be brought to be of a mind

" (though

Will. III. 1701.

"My lords and gentlemen,

"THE ſeſſions being now come to a concluſion, I "muſt return you my hearty thanks for the great "zeal you have expreſſed for the public ſervice, and your "ready compliance with thoſe things which I recommended "to you at the opening of this parliament. And I muſt "thank you, gentlemen of the houſe of commons, in par- "ticular, both for your diſpatch of thoſe neceſſary ſupplies, "which you have granted for the public occaſions, and for "the encouragements you have given me to enter into al- "liances for the preſervation of the liberty of Europe, and "the ſupport of the confederacy; in which, as it ſhall be "my care not to put the nation to any unneceſſary expence, "ſo I make no doubt, that whatſoever ſhall be done during "your receſs, for the advantage of the common cauſe in this "matter, will have your approbation at our meeting again "in the winter.

The king's ſpeech. Pr. H. C. III. 183.

"My lords and gentlemen,

"I ſhall conclude with recommending to you all the diſ- "charge of your duties in your reſpective counties, that "the peace of the kingdom may be ſecured by your vigi- "lance and care in your ſeveral ſtations."

"(though both ſhould be de- "ſirous to agree) unleſs by con- "ferences. It cannot be de- "nied, but the commons had "time enough to have deli- "vered their reaſons to the "lords, to incline them to "wave their amendments, if "they had been pleaſed to take "that natural courſe. But, "inſtead of deſiring a confe- "rence, and offering their rea- "ſons there, a vote, without a "precedent, was made, to print "their reaſons; which was of- "fering them to the people, "inſtead of offering them to "the lords. Well-meaning "men may be puzzled to think "what conſtruction ought to "be put on this proceeding. "The reaſons, when printed, "might have an effect on peo- "ple without doors, but could "not poſſibly have any effect "towards paſſing the bill; ſup- "poſe them to be ſtrong "enough to ſatisfy every in- "dividual lord, that he ought "to wave the amendments; "yet, for want of their being "propoſed at a conference, the "lords could not, by the me- "thods of parliament, deſiſt "from the amendments. If it "ſhould be ſaid, that ſome men "had leſs regard to the paſſing "the bill, than to get a point "of popularity at that time, it "would not be eaſy to give a "ſolid anſwer to ſuch a reflec- "tion."

Then

Will. III. 1701. Then the lord-keeper, by his majeſty's command, prorogued the parliament to the 7th of Auguſt.

Thus ended the ſeſſion of parliament, which had the worſt aſpect of any that had ſat during this reign. The new miniſters preſſed the king to turn out ſome of the Whigs who were in employments, the lord Haverſham in particular, who was in the admiralty: but the king could not be prevailed with to do any thing; yet he kept himſelf ſo much on the reſerve, that, when he went out of England, it was not certainly known, whether he intended to diſſolve the parliament or not. The ſtate of the king's health very ill conſiſted with his uneaſineſs at the oppoſition to his meaſures at home, and his concern for the ſucceſs of his negotiations abroad. He was thought to conceal his ill opinion of his own decaying conſtitution, even from his moſt favoured confidents, to prevent its taking air, which would have been fatal in the forming the intended confederacy, the princes entirely depending on his wiſdom, courage, and zeal for the common cauſe. To provide againſt accidents, he gave the command of the troops that were ordered to Holland (making in all ten thouſand men) to the earl of Marlborough, and appointed him to be plenipotentiary to the States-general, as knowing him to be equally qualified for council and action. On the 28th of June, the king nominated, to be juſtices in his abſence, the archbiſhop of Canterbury, Sir Nathan Wright lord-keeper, the earl of Pembroke, firſt commiſſioner of the admiralty, the duke of Devonſhire, the earl of Jerſey, and the lord Godolphin. Three days after, the gentlemen who were impriſoned for delivering the Kentiſh petition, being diſcharged of courſe at the end of the ſeſſion, were ſplendidly entertained at Mercer's-Hall, at the charge of the citizens, being accompanied by ſeveral of the nobility and gentlemen of the firſt rank. They were likewiſe very honourably received, upon their return into their own country.

The earl of Marlborough is made general of the army abroad. June 1.

This year died ſuddenly Henry Howard, duke of Norfolk, who had been educated a Papiſt, but leaving the church of Rome about the time of the Popiſh plot, continued to his death firm to the church of England, and had been a zealous promoter of the revolution. His place of earl-marſhal was conferred on the earl of Carliſle, during the minority of his nephew, the lord Thomas Howard's eldeſt ſon (who ſucceeded the duke in his honour and eſtate) if at the age of eighteen he ſhould conform to the Church of England.

Death of the duke of Norfolk. April 2.

On

On the firſt of July, the king embarked at Margate, and two days after arrived in the Maeſe, and went that night to the Hague. The next day he went to the aſſembly of the States-general, to whom he addreſſed himſelf in this manner: Will. III. 1701.

The king arrives in Holland.

" High and mighty lords,

His ſpeech to the States.

" I Always come into this country with joy, but more eſpecially in this dangerous conjuncture of affairs, becauſe I foreſee my preſence will be neceſſary for the ſervice of the State. I was in hopes, and deſired to have paſſed the reſt of my days in repoſe and peace; and, after the end of my days, to have left this State in a quiet and flouriſhing condition. To which end I have always laboured, particularly after the concluſion of the laſt peace. But ſince there have happened ſuch great alterations in the affairs of Europe, that we know not what will be the diſpoſal of divine providence concerning them. Nevertheleſs I can aſſure your high mightineſſes, that, whether affairs may be accommodated without coming to further embroilments, or whether we muſt be obliged to take arms again, I perſiſt in the ſame affection and the ſame zeal, which I ever had for the ſervice and proſperity of theſe provinces; and will contribute, as far as lies in my power, whatever may tend to advance the welfare of this State, the maintenance of their liberties and religion, and their particular ſecurity, as well as that of Europe. I am overjoyed to find all things ſtill in a quiet condition; which, next to the bleſſing of the Almighty, muſt be aſcribed to the ſpeedy and unanimous reſolution of your high mightineſſes, to put yourſelves in a poſture of defence. I am perſuaded, that the reſpective confederates will contribute ſtrenuouſly towards it; which I look upon as the only means to prevent a war; or, in caſe of a rupture, to defend the State from the danger that threatens it. It is a great ſatisfaction to me, that I can aſſure your high mightineſſes, not only of my affection, but of the whole Engliſh nation; and that they are ready to aſſiſt this State, and ſtrongly to contribute towards their defence, and to whatever may tend to the common ſecurity: and this is what your high mightineſſes may be fully convinced of. I hope the great God will bleſs the means, which you have made uſe of, either by way of negotiation, or by force of arms, in caſe of a rupture, to attain the end propoſed; that is to ſay, reaſonable ſecurity for the common cauſe, and particularly the preſervation of this State in their liberties and religion.

" There

Will. III. 1701. "There is nothing which I wiſh with more fervency; and "I will contribute towards it whatever lies in my power. "This is what I thought neceſſary to ſay at preſent; only "that I deſire the continuance of your high mightineſſes af- "fection and amity."

Anſwer of the States. Lamb.

To this the States-general returned an anſwer to this effect: "That they thanked his majeſty with all their hearts "for the honour he had done them to come again into their "aſſembly; and at the ſame time teſtified their inexpreſſible "joy to ſee his happy arrival. That they were ſenſible how "much his majeſty's preſence was neceſſary among them, in "ſuch a difficult conjuncture, to ſettle affairs in a good "condition, and ſo to preſerve them, with the aſſiſtance of "God, out of the great confidence which they all had "from the higheſt to the loweſt, in his majeſty's prudence "and extraordinary abilities. That they were extremely "obliged to his majeſty, and moſt heartily thanked him for "his perſevering in his kind inclinations for their repoſe and "tranquility. That they were fully convinced, that, ſince "the laſt treaty of peace, his majeſty's care and application "had tended to the preſervation of the ſaid peace and the "public tranquility. That they were overjoyed, that their "conduct, ſince the ſtrange mutations in general affairs, had "met with his majeſty's approbation. And in regard the "State was in ſo much danger, that their religion and liber- "ties lay at ſtake, they were reſolved to uſe all poſſible "means for the preſervation of thoſe ineſtimable pledges. "That they could not omit to thank his majeſty for his aſ- "ſurances, not only in his own, but in the name of the "Engliſh nation, in favour of themſelves and the common "cauſe, well knowing, how much they might rely upon a "people, whoſe courage and valour had gained ſo much re- "putation in the world. That they were always of opinion, "that their intereſts were inſeparable from thoſe of England. "In the mean time, they moſt ardently beſought the Al- "mighty to bleſs his majeſty and his counſels, and to grant "him long life, health, and ſtrength, that he might be able "to continue his cares for the public good, and the welfare "of his own kingdoms and their State; aſſuring him of their "perſeverance in that amity and high eſteem, which they "have always had, and ever ſhall be bound to have of his "majeſty, ſo long as their State endures."

Letter of the French king to the States. July 26. Lamb.

After this, the king went to view the frontier garriſons, and returning to the Hague, found that count d'Avaux had delivered

delivered a letter from the French king to the States, accompanied with a memorial of his own, to notify his being recalled home. The letter was as follows: Will. III. 1701.

" Moſt dear great friends, allies, and confederates,

" WE have thought fit to recall the count d'Avaux, " our ambaſſador extraordinary to you, ſeeing the " little fruit thoſe conferences have produced, which you de- " ſired of us; and which you have ſince often interrupted. " We are not the leſs inclined to the eſtabliſhing of the " peace, as he will further declare his intentions to you be- " fore his departure. Nothing remains for us but to aſſure " you, that it ſtill depends on you to receive marks of our " ancient friendſhip for your republic, and of our deſire to " give you proofs thereof upon all occaſions. So we pray " God, that he may have you, moſt dear great friends, al- " lies, and confederates, in his holy keeping. Given at " Verſailles, the 18th of July 1701."

Your good friend, ally, and confederate.

LEWIS.

Colbert.

The memorial, which accompanied this letter, contained in ſubſtance, " That his excellency was in hopes, that their " lordſhips would have had that confidence in his maſter's " affection and his deſires of peace, that would have diſſipa- " ted thoſe vain fears, which the advancement of his grand- " ſon to the throne of Spain had infuſed into them, and that " he ſhould return to the king his maſter, with the ſatis- " faction of having been employed in preventing the new " troubles that threatened Europe. Which hope was con- " firmed, when, by their acknowledging the lawful rights " of the king of Spain, they wrote to congratulate him, and " ſeemed thereby to diſown the injuſtice of foreign preten- " ſions, whatever they might perſiſt in demanding for them- " ſelves; ſo that all things ſeemed to be in a fair way to- " wards ſettling of peace, when the propoſals made by your " high mightineſſes and the king of England's envoy gave " occaſion to judge, that war rather than peace would be " the fruit of that ſtrict union, which the conformity of pro- " poſals denoted between that prince and your high mighti- " neſſes. They proteſted, that their exceſſive demands were With a memorial. Lamb.

Will. III. 1701. "the effects of a juſt fear, grounded on the king's power. "But if that fear, ſo lively expreſſed in their letter to the "king of Great-Britain, during the ſitting of the parliament, "were real, and that they had no other end in repreſenting "them than to prevent them, the means of doing it were in "their own hands; there was no need of making all thoſe "preparations for the greateſt war. That their lordſhips "had deſired the conferences, and it depended upon them "to render them uſeful. But their lordſhips had again de-"layed the concluſion of them, by demanding the admiſſion "of the king of England's envoy into the conferences. "Which, if he oppoſed for ſome time, it was out of his ſin-"cere deſire to remove all obſtacles, which the enemies to "peace are continually laying in the way. Nor did his "majeſty believe their lordſhips would ſo eaſily have inſiſted "upon the pretended ſatisfaction to be given to the emperor, "confounding the intereſts of other princes with their own, "and ſet themſelves up for arbitrators between the houſes of "France and Auſtria; that ſo wiſe a republic ſhould, in fa-"vour of the houſe of Auſtria againſt France, reſolve to "break theſe treaties, which they had looked upon as the "confirmation and ſeal of their ſovereignty; that they "ſhould engage themſelves, at the expence of their pro-"vinces, their countries, and their wealth, to ſupport "foreign intereſts, when, a little before, they had acted "quite the contrary, by acknowledging the king of Spain. "That his excellency ſhould abuſe his maſter, ſhould he "write to him, that any ſucceſs was to be expected from the "conferences. That his maſter had too diſcerning a judg-"ment, after the king of Great-Britain's envoy had declared, "that his maſter would never depart from the intereſt of the "emperor; that he would not enter into any propoſals of "accommodation, unleſs ſatisfaction were given to that "prince; that the ties between their lordſhips and the king "of Great-Britain were too ſtrict, and had too well made "known their blind ſubmiſſion to the ſentiments of that mo-"narch; and no doubt that they had already taken a reſo-"lution to make the ſame declaration to the moſt Chriſtian "king's ambaſſador. Indeed they had done it already before-"hand, by declaring, That the commiſſioners ſhould not "continue the conference, without the intervention of the "Engliſh envoy; ſo that, if he ſhould exclude himſelf, the "conferences were ſuſpended; and therefore it would be to "no purpoſe for the moſt Chriſtian king's ambaſſador, ſent "only for the ſake of thoſe conferences, to continue any "longer

" longer at the Hague; where, if he has not the ſatisfaction Will. III.
" to fulfil his majeſty's intentions in eſtabliſhing a durable 1701.
" peace between him and the United-Provinces, yet it will
" be ſome conſolation to him; that he had made known his
" majeſty's deſire to contribute whatever depends on him,
" to prevent a rupture of the public peace: That he has
" taken arms in the defence of his grandſon only; and that,
" if it had been his deſign to make new conqueſts, he might
" have done it, when his forces, upon the frontiers of their
" republic, affording him the means to have made his ad-
" vantage of their weakneſs: He concluded with wiſhing,
" that their lordſhips, convinced by his majeſty's conduct of
" the ſincerity of his intentions, would, while it was yet
" time, take ſuch reſolutions, as might be conformable to
" their true intereſts."

To this memorial the States-general returned an anſwer, which was to this effect:

" That they were obliged to the moſt Chriſtian king, for Anſwer of
" ſending hither the count d'Avaux as his ambaſſador extra- the States.
" ordinary. They wiſhed, that ſufficient means might have Aug. 1.
" been found in the conference, to have obtained a general Lamb.
" peace, and reaſonable ſecurity for themſelves, and that he
" had tarried till that had been done. They were troubled,
" that he ſhould be recalled before thoſe things were effected;
" and ſo much the more, that the cauſe of it ſhould be im-
" puted to their conduct. That, upon his moſt Chriſtian
" majeſty's ſignifying to them, that he accepted the will of
" the late king of Spain inſtead of the treaty of partition,
" they gave him their reaſons, why they could not come to
" a ſpeedier reſolution in that affair; and, as ſoon as their
" conſtitution would allow it, they offered to enter into a
" conference with any that his majeſty ſhould think fit to
" appoint. That they appointed deputies accordingly to
" treat with the count d'Avaux, and, in compliance with
" his majeſty, owned the new king of Spain, that they
" might remove all occaſions of delays, and give a convin-
" cing proof of their deſire to preſerve the grand peace.
" They cannot apprehend, how they ſhould obſtruct the
" ſame by the intervention of the king of Great-Britain, who
" was one of thoſe concerned in the treaty of partition; or
" by the intervention of any other potentate, who has an in-
" tereſt in preſerving the general peace. That they [illegible]
" thereby owned the juſtice or injuſtice of the pretenſions of

Will. III. 1701. "a third party, nor ſeparated their intereſts from any who are concerned in the general peace. That, ſince his majeſty's miniſters had repreſented to them, that the end of the treaty of partition might be as well attained by the acceptation of the will, they deſired the count d'Avaux might make propoſals for the general peace, and their particular ſecurity; and, he excuſing himſelf, and deſiring propoſals from them, they had, in concert with his majeſty of Great Britain, delivered him propoſals. They cannot comprehend, why the effect of that union betwixt them and the ſaid king ſhould be rather war than peace, ſince his majeſty of Great-Britain has, on all occaſions, given ſufficient proofs of his inclinations to peace. That they were ſtrictly united with him by alliances, many years ago, for their mutual ſecurity. That he was one of the chiefeſt parties in the treaty of partition; and that they declared, before their propoſals were communicated, that they thought his conſent neceſſary, as well for thoſe reaſons, as for his private relation to their republic; and no objection was then raiſed againſt it. They were ſorry to ſee the king of France had returned no anſwer to their propoſals; which, though they had heard to be called 'exceſſive', no body had undertaken to prove them ſuch. That the general peace could not be preſerved without ſatisfaction to the emperor, whoſe pretenſions were ſo far owned by the king of France himſelf in the treaty of partition, that it was agreed how the ſame ſhould be ſatisfied. That therefore there was nothing in this article of their propoſal, that could be called 'exceſſive'; and what they had demanded for their own ſecurity, was not equal to what they had before the death of the late king of Spain, or to what they had acquired by the treaty of partition. That their forces were not grounded alone on their own private ſentiments, but on the opinion of their allies, who had not ſcrupled to ſend them the aſſiſtance they were obliged to by their alliances. That, had it been in their power to extricate themſelves out of their difficulties, without arming, ſeeking new alliances and drowning their country, they would certainly have done it. That the difficulties raiſed about admitting the Engliſh envoy was not from them, but from the count d'Avaux, and no chargeable upon them for the reaſons beforementioned. That the king of France had reaſon to think they would inſiſt on ſatisfaction to the emperor, ſeeing that was the

"firſt

" firſt of their propoſals, which the king of France himſelf Will. III.
" thought juſt and neceſſary. That they had given no cauſe 1701.
" to think, that they preſumed to ſet up as umpires betwixt
" France and Auſtria, or to determine, which of the two
" laſt kings of Spain had a right to alter the laws of the ſuc-
" ceſſion to that crown; but deſired his majeſty to remem-
" ber, that he himſelf, as well as the king of Great-Britain
" and the States, thought a war would be unavoidable, if,
" upon the death of the late king of Spain, either He or the
" emperor ſhould inſiſt upon the pretenſions of their families
" to the ſucceſſion; and therefore they entered into the trea-
" of partition. That their owning the king of Spain could
" not be judged to be a ſtep contrary to this, ſince it did not
" hinder giving reaſonable ſatisfaction to the emperor: and
" the king of France ought to be convinced, that they would
" do nothing to the detriment of their provinces, commerce,
" or riches, but what was abſolutely neceſſary to their pre-
" ſervation. They had done nothing that could be con-
" ſtrued a breach of the treaties, which confirmed and ſealed
" their ſovereignty, and did not well apprehend the meaning
" of that aſſertion: their provinces were always free and
" ſovereign: their anceſtors ſpent their lives and fortunes to
" aſſert their freedom; and they reſolved to do the like.
" They were ſorry to hear, that the count d'Avaux expected
" no ſucceſs from the conferences, becauſe of the Engliſh
" envoy's declaring, that ſatisfaction muſt be given to the
" emperor. They owned, that the king of Great-Britain
" and themſelves thought it reaſonable to treat of ſatisfaction
" to that prince; and that the emperor ſhould, in order
" thereunto, be invited into the negotiation. That the
" States did not blindly follow the king of Great Britain's
" ſentiments, but had a great deference for his advice, be-
" cauſe they were perſuaded, that he was wholly inclined to
" preſerve peace, and convinced, that he ſought nothing but
" the welfare of their republic. That, if the conferences
" were ſuſpended upon that account, they ſhould look upon
" it as a great misfortune: but, if the king of France had
" thought fit to let them continue, and to allow ſatisfaction
" to the emperor, they had hopes of a good concluſion.
" That they had been obliged indeed to arm, but did not be-
" gin to do it, till they ſaw their barriers in the Spaniſh
" Netherlands, that coſt them ſo much blood and treaſure,
" poſſeſſed by French troops, their own forces detained, and
" great preparations of war made there. That their jealouſy
" was beſides conſiderably increaſed by the ſtrict union that

Will. III. 1701. "appeared every day between France and Spain, though "the treaty of partition was made for this, among other "reaſons, to prevent jealouſies from the union of too many "ſtates. That they had endeavoured, by all poſſible means, "to preſerve friendſhip; but, if they muſt, contrary to "their own inclination, enter into a war, they have no "cauſe to blame themſelves for it, and therefore hoped, that "God would protect them."

Count d'Avaux leaves Holland.

Thus all the pretenſions of the French, to give the States a reaſonable ſecurity, went off with the count d'Avaux; who yet was willing to retire without any open breach, and therefore took his leave of the States in very obliging terms, accepted from them the preſent of a gold chain and medal, and left his ſecretary behind, under colour of renewing the negotiations, when he had made a report of them to his maſter. But the States underſtood the artful receſs of the ambaſſador, and therefore daily augmented their army with the troops arrived from Ireland, and with other auxiliary forces, and, were indefatigably at work on the fortifications of their frontiers.

Treaty with Denmark.

An alliance was now formed between the kings of Great-Britain, and Denmark, and the States-General (a). Great pains

(a) It was ſigned at Copenhagen, the 15th of June 1701, and the chief articles were:

7. The king of Great Britain and the States-general promiſe to pay to the king of Denmark three hundred thouſand crowns a year during the war.

8. The king of Great-Britain promiſes to pay the arrears due on the convention in 1689, to the ſeven thouſand Danes.

10. The king of Denmark ſhall ſend three thouſand horſe, one thouſand dragoons, and eight thouſand foot to the aſſiſtance of the king of Great-Britain and the States-general, immediately after the treaty is ſigned; and they ſhall take oath to the king and the ſtates, as the ſeven thouſand did to the king. The king and the States ſhall pay levy money, for an horſeman eighty crowns, a dragoon ſixty, and a foot-man thirty; one half as ſoon as the troops are marching, and the other when they are arrived on the frontiers. Their pay ſhall be the ſame as that of the States, and be diſtributed by the Daniſh commiſſaries, to commence from the day of their march.

11. If a regiment or company happen to be ruined, the king and the States are to recruit them, and to reſtore them to the ſame condition they were in before; and the recruit-money is to be paid to the Daniſh officers at the end of the campaign.

12. If the king of Denmark ſhould be in any wiſe attacked, the

pains were likewiſe taken to mediate a peace between Sweden and Poland. The court of France, as well as that of Vienna, Will. III. 1701.

the king of England and the States-general ſhall ſend his forces back with ſpeed, giving them one month's pay; and the like ſum when they ſhall be ſent home after the peace; and they ſhall ſend the king of Denmark the ſuccours agreed on by the ſecret article of the treaty in 1690.

13. Succours may be demanded by any of the parties, if he is attacked by force of arms, without his having firſt uſed force againſt the aſſailant.

14. This alliance ſhall continue ten years from the ſigning thereof, and the alliances of 1696 and 1696 are renewed by this.

Abſtract of ſome of the ſecret articles of the treaty.

1. If the ſuccour which Denmark is to ſend to the king of England and the States ſhould not be ſufficient, that king promiſes to ſend four thouſand men more, three months after demand.

2. If Denmark ſhould be attacked, and the ſuccour mentioned in the ſecret articles of the treaty of 1690 ſhould not be ſufficient, the king of Great-Britain and the States promiſe to aſſiſt him with all their forces, as Denmark will in the like caſe aſſiſt them.

5. The king of Great-Britain and the States will endeavour, that the duke of Holſtein may conform himſelf to the treaty of Travendale, and maintain a good friendſhip with Denmark, while he ſends ſo many troops out of his own dominions.

7. The king of Great-Britain and the States are content, that the emperor ſhall have two thouſand out of the twelve thouſand men, which Denmark will make good to them in ſix months after the ſigning of this treaty.

10. In caſe of a war, his Daniſh majeſty ſhall not be obliged to enter into it, but be reputed to have made good his alliance by ſending the ſuccours of ſixteen thouſand men, and ſo putting this treaty in execution.

The earl of Mancheſter, in a letter from Paris, July 2, 1701, to ſecretary Vernon, writes thus concerning this treaty.

"The Daniſh envoy here owns the treaty, that we and the States have made with Denmark; tho' I find at the ſame time, that the diſputes between the king of Denmark and the duke of Holſtein are as great as ever. I can aſſure you, that if this court had come up to 150,000 livres more, Denmark would have ſigned a treaty with them; and it is to be feared, that this court will ſtill find ſome means to make that with us ineffectual, either by dealing underhand with Denmark, or elſe by engaging the king of Sweden not to make peace with Poland, which perhaps is not difficult; and I am told, that overtures of that nature have been already made. I can tell you, that

Will. III. 1701. Vienna, tried it; both ſides hoping, that Sweden, if not Poland, might enter into their intereſts. The French reckoned, that Denmark and Sweden could never be on the ſame ſide; and therefore, when they found they could not gain Denmark, they tried a mediation, hoping to get Sweden into an alliance with them; but all attempts for a mediation proved unſucceſsful. The dyet of Poland was ſuſpended, and their king, being delivered from them, reſolved to carry on the war. The Spaniards, and the ſubjects of their other dominions, began to feel the inſolence of the French very ſenſibly; but nothing was more uneaſy to them than the new regulations which they were endeavouring to bring in, to leſſen the expence of the court of Spain. The grandees were little conſidered, and they ſaw great deſigns, for the better conduct of the revenues of the crown, likely to take place every where, which were very unacceptable to them, who minded nothing ſo much as to keep up a vaſt magnificence, at the king's coſt. They ſaw themſelves much deſpiſed by their new maſters, as there was indeed great cauſe for it; ſo that they ſeemed well diſpoſed to entertain a new pretender (b).

The Spaniards are diſguſted. Burnet.

The

" that a treaty was lately near " agreed on by the miniſters " with Poland; but it broke off " upon the point of advancing " a conſiderable ſum of money, " which here they deferred do- " ing; in hopes that the treaty " would not be neceſſary; and " now it is believed, that the " king of Poland will engage " with the emperor."

(b) Monſieur Schonenberg, in a letter to the earl of *Manchester* from Madrid, July 14th, 1701, writes as follows:

" It is not to be conceived " how great a horror the Spa- " niards entertain of a foreign " government, which threa- " tens them very nearly, and " holds them already, as one " may ſay, by the neck. The " murmurs and diſcontents are " univerſal: every body grows " impatient; the court as well " as the city, the clergy, the " nobility, and the third eſtate. " In a word, all the ſtates and " kingdoms of this monarchy " ſigh after liberty. Yet no " body dares to ſtir, fearing to " be ſooner overwhelmed than " ſuccoured. Among all the " Spaniards, the cardinal Por- " tocarrero and his cabal are " perhaps the only perſons that " attach themſelves deſperately " to the French party; and it " looks as if thoſe gentlemen " had made a vow to ſacrifice " Spain to it, and to engage " all Europe in their fall."

The ſame gentleman, in another letter to the ſame from Madrid on the 28th of July 1701, has this paſſage: " There is ſo " general a want of money " here, that they find it very " difficult even to find any for " the moſt common neceſſities. " This

The emperor's army was now got into Italy. The entrance towards Verona was ſtopped by the French; but prince Eugene entered by Vicenza; and, when the reinforcements and artillery came up to him, he made a feint of paſſing the Po near Ferrara; and, having thus amuſed the French, he paſſed the Adige near Carpi (c), where a body of

Will. III. 1701.

Prince Eugene marches into Italy. Burnet.

" This makes them fear, that " they ſhall not find enough for " the expence of the king's " journey towards Arragon and " Catalonia. They have aſked " the clergy for a free gift, and " advance from the farmers and " comptrollers of the royal " rents; but the one and the " other cry out mercy. In a " word, ſcarcity and miſery " reign univerſally; and the " will of the late king Charles " the Second, of happy me- " mory, will coſt France dear; " for, unleſs they open their " coffers to repair the horrible " emptineſs of the Spaniſh fi- " nances, this court cannot ſup- " port itſelf, and the leaſt war " will overwhelm it. The mur- " murs, which are cauſed by " ſo univerſal a decay, go ſo " far, that they have thought " it neceſſary to inſpire the Spa- " niards with fear, by putting " ſome ſtrangers in priſon, who " are ſaid to have talked too " freely. The duke of Arcos, " one of the firſt grandees of " Caſtile, has himſelf put into " the king's hands a repreſen- " tation, by which he makes " excuſes, that he cannot equal " himſelf to the dukes and peers " of France. The young cour- " tiers dreſs themſelves in the " French faſhion to pleaſe the " king, who has ſhewn that he " diſlikes it. The habits for the " archers or life-guards, as alſo " thoſe of all the livery-men, " are come out of France; and " that livery is the ſame with " that of the houſe of Bourbon; " ſo that the livery of the an- " cient king's of Bourbon is ba- " niſhed."

(c) The earl of Mancheſter, in a letter to Mr. Blathwayt from Paris, July 18, 1701, writes thus:

" We have an account here " by an officer who arrived out " of Italy on the 16th, that " there had paſſed a conſidera- " ble action between the Impe- " rialiſts and the French, at " Carpi, where monſieur de St. " Fremont was poſted with " four regiments of dragoons, " a regiment of horſe, a bat- " talion or two of foot, and " ſome pieces of cannon. Prince " Eugene having amuſed the " French by paſſing ſome troops " over the Po, they little ex- " pected to have heard of him " in this place; but he has acted, " as they all agree, very much " like a general. The canal " Blanco was between them. " He made a ſhew, as if he " would paſs; ſeveral of his " men went into the canal, to " try if it was fordable: there " they continued firing at the " French. Whilſt this was do- " ing, he made two bridges at " a good diſtance from his " troops above and below. " When this was done, he with- " drew

Will. III. of five thouſand French lay, whom he routed, and obliged
1701. the French to retire to the Mincio. He followed them, and
paſſed that river in their ſight, without any oppoſition (d).
The

" drew his troops, as if all was
" over; but ſoon after he march-
" ed a conſiderable body of
" troops over both places with
" cannon, &c. and then fell on
" monſieur de Fremont, and
" intirely defeated his troops,
" making himſelf maſter of the
" poſt of Carpi, the baggage,
" the cannon, &c. The che-
" valier d'Albret, ſon of the
" duke de Chevreuſe, and co-
" lonel of dragoons, as alſo
" monſieur de Charbon, a per-
" ſon of diſtinction, are killed.
" Monſieur d'Eſtrades is dan-
" gerouſly wounded, twenty-
" five other officers are killed,
" and the reſt fled for it. Prince
" Eugine was there in perſon,
" and received a ſlight wound.
" They ſay here, that he was
" poſted at Carpi upon the A-
" dige, when the expreſs came
" away, with fifteen thouſand
" men; and there is no
" doubt but his whole army
" has joined him, ſo that there
" is nothing between him and
" monſieur de Catinat, who is
" poſted at St. Pietro near Leg-
" gen, and they are ſeven
" miles diſtant from each other.
" Monſieur de Catinat has or-
" dered all his troops to join
" him from Rivoli, &c. They
" are very uneaſy at Verſailles,
" it being thought, that prince
" Eugene will attack the French
" army, which has no way of
" avoiding a battle, but by re-
" tiring over the Mincio. It
" is not known what loſs the
" Germans had."

(d) The earl of Mancheſter in a letter to ſecretary Vernon from Paris, Auguſt 10, 1701, has this paſſage.

" I believe the account of
" prince Eugene's march will
" very much ſurpriſe you, as it
" does moſt people here. On
" Monday laſt arrived here a
" courier from prince Vaude-
" mont. The letters are of the
" third. On the 28th paſt, ſix
" hundred German horſe march-
" ed over the Mincio at St. Li-
" onne between Peſchiere and
" Borghetto, where the French
" were poſted. Monſieur de
" Catinat would not believe
" that they intended to paſs
" there; but, prince Eugene
" having made his bridge for the
" foot, and the river being for-
" dable in many places, ten
" thouſand horſe paſſed, and
" the next day the whole
" army, and they continued
" their march to Deſenzano.
" Upon this, M. de Catinat
" held a council of war on
" horſeback, to reſolve, whe-
" ther they ſhould advance and
" give battle; but they were
" ſoon informed, that prince
" Eugene was no longer there,
" and that he was gone towards
" Briſcia; and, having got two
" days march before them, the
" prince of Vaudemont and
" count Teſſe, with moſt of the
" horſe and dragoons, made
" all the haſte they could, and
" were come to Pieghitone in
" the Cremoneſe upon the Ad-
" da. The duke of Savoy and
" M.

The French army was commanded by the duke of Savoy, with whom were marſhal Catinat and the prince of Vaudemont, governor of Milan. Theſe differed in opinion; the duke of Savoy was for fighting; Catinat and prince Vaudemont againſt it. But marſhal Villeroy was ſent thither with orders to fight (e). Catinat, who was the beſt general the French had left, looking on this as a diſgrace, retired and languiſhed for ſome time; yet he recovered. There were many ſmall engagements of parties ſent out on both ſides, in which the Germans had always the advantage. Yet this did not diſcourage Villeroy from venturing to attack them in their camp at Chiari; but they were ſo well intrenched, and defended themſelves with ſo much reſolution, that the French were forced to draw off with great loſs; about five thouſand of them being killed, whereas the loſs of the Germans was inconſiderable. Sickneſs likewiſe broke in upon the French, ſo that their army was much diminiſhed; and after this they were not in a condition to undertake any thing. Prince Eugene lay for ſome time in his camp at Chiari, ſending out parties as far as the Adda, who meeting often with parties of the French, had always the advantage, killing ſome, and taking many priſoners. For many months that prince had no place of defence to retire to; his camp was all; ſo that a blow given him there muſt have ruined his whole army. Towards the end of the campaign he poſſeſſed himſelf of all the Mantuan territories, except Mantua and Goits. He blocked them both up; and, when the ſeaſon obliged the French to go into quarters, he took all the places on the

Will. III. 1701.

"M. de Catinat, with the reſt "of the army, had paſſed Ca-"nuto upon the Oglio, and "were expected that night at "Cremona. It was thought, "that their intention was to get, "if poſſible, to the Adda, to "cover the Milaneſe; prince "Eugene was paſſed the Oglio, "and it is believed he would "ſoon be at Canonica upon the "Adda. The duke of Savoy "was, as ſoon as he came to "the army, of opinion to paſs "the Mincio, and give battle, "but that was not agreed to."

(e) he arrived in the French army in Italy on the 22d of Auguſt; and, as the earl of Mancheſter obſerves in a letter to Mr. Blathwayt, on the 26th of that month, held a council of war, "and there declared, that "he had orders to march di-"rectly to the enemy, and give "them battle. He made bridges "over the Oglio near Uſago, "and on the 28th at night the "whole army was in march, "conſiſting of ninety-two ſqua-"drons and ſixty-nine batta-"lions; the reſt of the troops "having been ordered to Como, "Cremona, &c."

Oglio,

Will. III. 1701. Oglio, and continued in motion the whole winter following. The French had no other enemy to contend with, and therefore poured in their whole force upon him. He was then but a young man, and had little aſſiſtance from thoſe about him, and none at all, during the ſummer, from the princes and ſtates of Italy. For the pope and Venetians pretended to maintain a neutrality, though, upon many occaſions, the pope ſhewed a great partiality to the French. The people indeed favoured the prince, ſo that he had good and ſeaſonable intelligence brought him of all the motions of the French; and in his whole conduct, he ſhewed both a depth of contrivance, and an exactneſs in execution, with all the courage, but without any of the raſhneſs of youth.

His attempt upon Cremona.

His attempt in January following upon Cremona had almoſt proved a deciſive one. Marſhal Villeroy lay there with ſix or ſeven thouſand men, and commanded a bridge on the Po. Prince Eugene had paſſed that river with a part of his army: The princeſs of Mirandola drove out the French, and recovered a garriſon from them. The duke of Modena put his country into his hands, and gave him Berſello, the ſtrongeſt place of his dominions. The duke of Parma pretended, that he was the pope's vaſſal, and ſo put himſelf under the protection of his holineſs. Prince Eugene would not provoke the pope too much, and therefore only marched through the Parmeſan. Here he laid the deſign of ſurpriſing Cremona with ſo much ſecrecy, that the French had not the leaſt ſuſpicion of it. The prince put himſelf at the head of a body, that he brought from the Oglio, and ordered another to come from the Parmeſan at the ſame time to force the bridge. He marched with all ſecrecy to Cremona; and, at the ſame time, through the ruins of an old aqueduct, he ſent in ſome men, who got through, and forced one of the gates; ſo that he was within the town before marſhal Villeroy had an apprehenſion of an enemy being near him. He wakened on a ſudden with the noiſe, got out into the ſtreet, and there he was taken priſoner. But the other body did not come up exactly at the time appointed; by which means an Iriſh regiment ſecured the bridge; and thus the deſign, that was ſo well contrived, and ſo happily executed in one part, failed. Prince Eugene had but four thouſand men with him, ſo that, ſince the other body could not join him, he was forced to march back; which he did without any conſiderable loſs, carrying marſhal Villeroy and ſome other priſoners with him. In this attempt, though he had not an intire ſucceſs, yet he gained all the glory, to which the ambition of a military man could

could aſpire, ſo that he was looked upon as the greateſt and happieſt general of the age. He went on enlarging his quarters, ſecuring all his poſts, and ſtraitening the blockade of Mantua; and was in perpetual motion during the whole winter. The French were ſtruck with this ill ſucceſs. More troops were ſent into Italy, and the duke of Vendoſme went to command the armies there. Will. III. 1701.

The duke of Savoy was preſſed to ſend his forces thither; but he grew cold and backward. He had now gained all that he could promiſe himſelf from France. His ſecond daughter was married to king Philip, and was ſent to him to Barcelona, where he met her. That king fell into an ill habit of body, and had ſome returns of a feveriſh diſtemper. He had alſo great diſputes with the ſtates of Catalonia, who, before they would grant him the tax, that was aſked of them, propoſed, that all their privileges ſhould be confirmed to them. This took up ſome time, and occaſioned many diſputes. All was ſettled at laſt; but their grant was ſhort of what was expected, and did not defray the charges of the king's ſtay in the place. A great diſpoſition to revolt appeared in the kingdom of Naples, and it broke out into ſome feeble attempts, that were ſoon maſtered, and the leaders of them taken and executed, who juſtified themſelves by this apology, that, till the pope granted the inveſtiture, they could not be bound to obey the new king. The duke of Modena was a ſevere governor, both on his maſter's account and on his own: Some of the Auſtrian party made their eſcape to Rome and Verona. They repreſented to the emperor, that the diſpoſition of the country was ſuch in his favour, that a ſmall force of ten thouſand men would certainly put that kingdom wholly into his hands. Orders were therefore ſent to prince Eugene to ſend a detachment into the kingdom of Naples; but, though he believed a ſmall force would ſoon reduce that kingdom, yet he judged that ſuch a diminution of his own ſtrength, when the French were ſending ſo many troops into the Milaneſe, would ſo expoſe him, that it would not be poſſible to maintain a defenſive war with ſuch unequal force. Yet repeated orders came to him to the ſame effect; but in oppoſition to thoſe he made ſuch repreſentations, that at laſt it was left to himſelf to do what he found faſeſt and moſt for the emperor's ſervice. Upon this the matter was laid aſide, and it ſoon appeared, that he had judged better than the court of Vienna; but this was, by his enemies, imputed to humour and obſtinacy, ſo that, for ſome time after that, he was neither conſidered nor ſupported, as his great King Philip at Barcelona.

ſervices

Will. III. 1701. services had deſerved. This might ariſe from envy and malice, which are the ordinary growth of all courts, eſpecially of feeble ones; or it might be the practice of the French, who had corrupted moſt courts, and that of Vienna in particular, ſince nothing could more advance their ends, than to alienate the emperor from prince Eugene; which might ſo far diſguſt him, as to make him more remiſs in his ſervice.

The fleet lies idle. The confederate fleet of England and Holland, commanded by Sir George Rooke, gave terror this ſummer to moſt of their neighbours, though they continued merely on the defenſive; while the French had many ſquadrons in the Spaniſh ports (the uſe of which were refuſed to our fleet) and in the Weſt-Indies.

The war in Poland. Burnet. Hiſt. of Europe. In the north, the war went on ſtill. The king of Sweden paſſed the Duna, and fell upon an army of the Saxons, that lay on the other ſide over againſt Riga, and routed them ſo intirely, that he became maſter of their camp and artillery. From thence he marched into Courland, where no reſiſtance was made. Mittau, the chief town, ſubmitted to him. The king of Poland drew his army into Lithuania, which was much divided between the Sophia's and the Oginſki's; ſo that all thoſe parts were falling into great confuſion. The court of Vienna pretended, that they had made a great diſcovery of a conſpiracy in Hungary. It is certain, the Germans acted the maſter very ſeverely in that kingdom; ſo that all places were full of complaints; and the emperor was ſo beſieged by the authors of thoſe oppreſſions, and the proceedings were ſo ſummary upon very ſlight grounds, that it was not to be wondered, if the Hungarians were diſpoſed to ſhake off the yoke, when a proper opportunity ſhould offer itſelf; and it is not to be doubted, but the French had agents among them by the way of Poland, as well as of Turky, that ſo the emperor might have work enough at home.

Several negotiations. This was the ſtate of affairs of Europe this ſummer. Several negotiations were ſecretly carried on. The elector of Cologne was intirely gained to the French intereſt, but reſolved not to declare himſelf, till his brother thought fit likewiſe to do it. All the progreſs, that the French made with the two brothers this ſummer was, that they declared for a neutrality, and againſt a war with France. The dukes of Wolfembuttle and Saxe-Gotha were alſo engaged in the ſame deſign. They made great levies of troops beyond what they themſelves could pay, for which it was viſible, that they were ſupplied from France. By this means there was a formidable appearance of great diſtractions in the empire. An alliance

liance was alſo projected by France with the king of Portugal. His miniſters were in the French intereſt, but he himſelf inclined to the Auſtrian family. He for ſome time affected retirement, and avoiding the giving audience to foreign miniſters. But, as he ſaw no good proſpect from England, and being preſſed to an alliance with France, his miniſters obtained leave from him to propoſe one, on terms of ſuch advantage to him, that it was not expected they would be granted, and ſo it was hoped this would run into a long negotiation. But the French were as liberal in making large promiſes, as they were perfidious in not performing them; for the French king agreed to all that was propoſed, and ſigned a treaty purſuant it, and publiſhed it to the world (e). Yet

Will. III. 1701.

(e) The earl of Mancheſter in a letter to ſecretary Vernon from Paris, of the 13th of July 1701, writes thus:

"I have juſt now received a "letter of the 21ſt paſt, from "Mr. Methuen. The treaty "betwixt France and Portugal "was ſigned the 18th, and the "next day he had an audience "of the king, and a conference "with the ſecretary of ſtate; "but he could not get them to "own, whether it was ſo or "no. All they declared was, "that they had done nothing "to prejudice the treaty be"tween England and that "crown. I was in hopes to "get a ſight of this treaty, but "there is no copy come; only "the original for this king. "There is ſome myſtery ſtill in "that matter; but ſince it is "printed in the French Ga"zette as a league offenſive and "defenſive, Portugal ſhould be "made to explain that matter." And Mr. Methuen, in a letter to the earl of Mancheſter from Liſbon of the 27th of September 1701, has the following paſſage: "The 19th inſtant ar"rived here in Cateaos road "his majeſty's ſhip the Lynn, "diſpatched to me by Sir "George Rooke, with inſtruc"tions from his majeſty; upon "the receipt of which, I pre"ſently demanded an audience "of the king of Portugal, and "it was appointed me the next "morning at ten of the clock. "I was almoſt two hours with "the king, during which time "having ſaid every thing to "him, that I thought likely to "make him ſenſible of his paſt "errors and true intereſt, I "concluded with acquainting "him, that, it being abſolutely "neceſſary for the king my "maſter to be fully informed "concerning the contents of "the late treaties he had made "with France and Spain, I de"ſired, that a true copy of "them ſhould be communica"ted to me, together with a "declaration of his final reſolu"tion, how he intended to act, "in caſe a war ſhould break "out between England and "France; adding, that I ex"pected an immediate and po"ſitive anſwer, being reſolved "not to detain the king's ſhip "above four and twenty hours.

"The

Will. III. 1701. Yet the king of Portugal denied, that he had conſented to any ſuch project; and he was prevailed upon with ſuch difficulty to ſign the treaty, that, when it was brought to him, he threw it down, and kicked it about the room. At laſt however he conſented; but it was generally thought, that when he ſhould ſee a good fleet come from the allies, he would obſerve this treaty with the French, as they have done their treaties with all the reſt of the world.

Treaty between the Emperor, England, and Holland.

During the courſe of theſe things, king William applied himſelf to the perfecting the alliances, which he was negotiating abroad, and particularly that between the emperor, England, and Holland, which was concluded at the Hague on the 7th of September (f). This treaty was framed in the

" The arrival of the frigate, " her remaining at the Caſcaes, " my demands, and the little " time I gave them, put this " king and his miniſters into a " great conſternation; for they " ſuppoſed, that our fleet lay " ſome where near the coaſt, " expecting the return of the " frigate with my anſwer, and " this conſternation made them " very uneaſy, which made me " hope, that they would at laſt " take ſome vigorous reſolution " in our favour. But my hopes " were ſoon defeated by the " news I received by an ex- " preſs from Caſcaes the ſame " night, that monſieur Cha- " teaurenault appeared off with " his ſquadron, which proved " too true; for he came into " this river the next day; and, " the Portugueſe having plucked " up their ſpirits, the ſecretary " of ſtate ſent me an anſwer in " writing, That the king of " Portugal lay under no other " obligations by his treaties " with France and Spain, than " thoſe, which he had commu- " nicated to me already, as " alſo to Mr. ſecretary Vernon " by his envoy in England; " and that the king had no rea- " ſon to change any thing, that " had been ſtipulated with the " moſt Chriſtian king, who had " always been his good friend " and ally. Monſieur Chateau- " rennault's ſquadron conſiſts of " fourteen men of war, five " fire ſhips, and one hoſpital, " which are now come up the " river, and lie all before the " city. Three of the ſhips are " of three decks, and from " ninety to a hundred guns; " moſt of the others carry from " fifty to ſixty. This laſt ſtep " being made to crown the reſt " of their follies, I cannot " think any thing can bring " theſe people to their ſenſes " again but a miracle, or po- " pular tumult; the laſt of " which is much more likely to " happen than the firſt; for " every body ſeems diſſatisfied " at the preſent ſituation of af- " fairs, except two or three of " the miniſters."

(f) It contained the following articles;

1. There ſhall be a perpetual and inviolable friendſhip between the emperor, the king of Great-

the nature of propoſals, upon which France might come in; and accordingly the ſame were communicated to the Spaniſh ambaſſador; otherwiſe it was agreed to have ſatisfaction given to the houſe of Auſtria, in relation to the Spaniſh ſucceſſion, to recover Flanders out of the hands of the French; and that the Engliſh and Dutch ſhould keep whatever they Will. III. 1701.

Great-Britain, and the States-general.

2. The allies think nothing more effectual for eſtabliſhing the general peace, than the procuring ſatisfaction to the emperor, in the Spaniſh ſucceſſion, and ſufficient ſecurity for the dominions and commerce of the allies.

3. The allies ſhall employ two months time from the day of exchanging the ratifications, to obtain, by amicable means, the ſaid ſatisfaction and ſecurity.

4. But, if that cannot be obtained within the time limited, they engage to aſſiſt one the other with all their forces, according to the ſpecification to be agreed on in a particular convention.

5. The confederates ſhall, among other things, endeavour to recover the Spaniſh Netherlands, to be a barrier between Holland and France, as likewiſe the duchy of Milan, &c. for the emperor's ſecurity; and alſo the kingdoms of Naples and Sicily, and the lands and iſlands upon the coaſt of Tuſcany, belonging to the Spaniſh dominions.

6. The king of Great-Britain and the States may ſeize what lands and cities they can, belonging to the Spaniards in the Indies, and keep them.

7. In a war, the confederates ſh[illegible]fully communicate their d[illegible]s to one another.

8. No party ſhall treat of peace, truce, &c. but jointly with the reſt, they ſhall prevent the union of France and Spain under the ſame government, or the French poſſeſſing the Spaniſh Indies. The ſubjects of the king of Great-Britain and the States ſhall enjoy all the privileges of trade, which they had before the death of the late king of Spain.

9. At the making of peace, the confederates ſhall provide for the maintaining the trade of the Engliſh and the Dutch to the dominions taken from the Spaniards; and likewiſe ſecure the States by a barrier.

10. They ſhall at the ſame time agree about the exerciſe of religion in the places acquired.

11. They ſhall aſſiſt one the other with all their forces, if the French king, or any one elſe, ſhould invade any one on account of this alliance.

12. After a peace, there ſhall remain a defenſive alliance between theſe allies, for the maintaining of the ſaid peace.

13. All kings, princes, and ſtates, that pleaſe, may enter into this alliance, but the empire ſhall be particularly invited, and the confederates may jointly or ſeparately invite whom they pleaſe.

14. This treaty ſhall be ratified by all the confederates within ſix weeks or ſooner.

Will. III. 1701.

should conquer in the West-Indies. This last article, so advantageous to England, was owing to the advice, which the lord Sommers had formerly given to the king, when the partition-treaty was in agitation.

Affairs of Ireland. Burnet.

But to return to the affairs at home. In Ireland, the trustees for the Irish forfeitures went on to hear the claims of the Irish, and in many cases they gave judgment in their favour. But now it began to appear, that, whereas it had been given out, that the sale of the confiscated estates would amount to a million and a half, it was not like to raise the third part of that sum. In the mean while, the trustees lived in great state there, and were masters of all the affairs of that kingdom. But no propositions were yet made for the purchasing of those estates.

During the king's absence, the nation was in a great ferment, which was increased by many books, that were written to expose the late management in the house of commons and the new ministry, the earl of Rochester in particular, who was thought the promoter of all violent motions; and several tracts were published, to shew the dangers to be apprehended from the growth of the power of France, and the fatal consequences of a treaty with that kingdom (a). The few

(a) One of these tracts was intitled, 'The dangers of Europe from the growing Power of France: With some free thoughts on the remedies, and particularly on the cure of our divisions at home, in order to a successful war abroad against the French King and his Allies.' But the most considerable treatise upon this subject is thought to come from the hand of the lord Sommers himself, and was called 'Anguis in Herba: Or, The fatal consequences of a treaty with France: Wherein it is proved, that the principles whereby the French King governs himself, will not allow him to observe any treaty longer than it is for his interest to break it. That he has always aimed at the union of the crowns of France and Spain since the Pyrenean treaty. That, notwithstanding his pretences to the contrary, such is his design at this day. And that nothing can prevent it, but to reduce his power to such a degree, as may perfectly break his measures.' This, as well as the peace above-mentioned concerning 'the Dangers of Europe,' is inserted in the third volume of the 'State-Tracts during the reign of king William III.' and was reprinted at London in 1711 in 8vo. The author begins with observing, that there are three things absolutely necessary to be done by those who aim at universal empire: 1. That they first conceal their true design, lest all their

few books that appeared in defence of the conduct of the new ministers; were such wretched performances, that some were tempted

Will. III. 1701.

their neighbours should unite to destroy them, as common enemies and plagues to mankind: 2. They must divide their neighbours as much as possible in their counsels at home, and in their foreign interests in relation to one another: And, 3. That they never make a peace but of necessity, nor observe it longer, than till it become more profitable for them to break it than to keep it. These being both in fact and reason the plain, necessary, and undeniable consequences of aiming at universal empire, it is easy to be observed, 1. That whoever makes that his aim, cannot, bona fide, be of any religion, whether natural or revealed; and of consequence such a prince is not to be bound by arguments or obligations deduced from any religion. 2. That all those most grosly deceive themselves, who treat with such a prince, out of a prospect, that he will religiously and bona fide observe the treaty; for that would stand in his way between him and his great design of empire. The necessary consequence from these truths is, that, whenever providence shall so far second the prudence of the measures of those states and powers, that are neighbours to such a prince, as that an alliance can be formed of strength sufficient to be able to reduce such an aspirer to terms of moderation and equality, they are indispensably obliged to make use of that force to reduce him to those terms of moderation and equality, and never treat with him upon any other foot: For otherwise the princes and governors of those states and powers, with all those who give them contrary advice, become answerable before God and man for that misery and ruin, that shall afterwards fall upon such states, either through ignorance or treason of their governors or councils. He then remarks, that it is evident the French king had all along aimed at the empire of this part of the world, from his invasions of France and Franche Compte in 1667 and 1668, and of Holland, Flanders, Franche Compte, and Germany, from the year 1672 to the treaty of Nimeguen; his treatment of the empire and Spain, after the peace of Nimeguen had disarmed them, and rendered them incapable of opposing him, by those great advantages it gave him over them; and his placing his grandson upon the throne of Spain, by which last step France raised itself to the highest pitch of grandeur, and threatened the destruction of the remaining liberties of Europe and the Protestant religion. He afterwards remarks, that union at home was the best means to prevent the designs of the French king: That no accommodation can be made with him, but what must be destructive to Europe: That the leaving Milan and Flanders in his hands would infallibly secure to him the universal empire

Will. III. 1701. tempted to think, that they were written by men, who perſonated the being on their ſide, on deſign to expoſe them.

The

of Europe: That the duke of Anjou holding Spain would be under the French power, it being his intereſt to give all advantages to France, and particularly in point of trade, while England and Holland would not be able to reſent it: That the Spaniſh trade would greatly increaſe the French ſhipping: That France, by poſſeſſing of Gibraltar, would command the trade of the Streights; and that the ſeizing of Guipuſcoa would ſecure the kingdoms of Naples and Sicily. He next ſhews, that the poſſeſſion of the duke of Anjou is the poſſeſſion of France, and that the French king always aimed at the union of the two crowns of France and Spain, not thinking himſelf in the leaſt obliged by the renunciation made by his queen at the Pyrenean treaty, and never deſigning to obſerve it, even at the time when he was ſolemnly ſwearing the contrary at the altar. That however his meaſures for uniting thoſe crowns were broke by the revolution, and he was obliged by the treaty of Ryſwick to reſtore all that he had taken in Catalonia and Flanders during the war, together with Luxemburgh, the county of Chiny, Courtray, which he had taken ſince the peace of Nimeguen, and almoſt all his re-unions; and was driven out of Italy, having loſt Caſal during the war, and upon the peace of Savoy forced to reſtore his conqueſts, together with Pignerol, which had been in the hands of France ſince the year 1631. He explains the deſigns of the treaty of partition, in which king William and the States-general had been deceived by the infidelity of the French king, who after all rejected that treaty. He remarks, that the duke of Anjou muſt enjoy both crowns, if the duke of Burgundy ſhould die childleſs, though contrary to the king of Spain's will. That England and Holland ought to declare to the world, that they begin the war upon the foot of turning the duke of Anjou out of the whole Spaniſh ſucceſſion, ſince nothing could ſo intirely reconcile the Spaniards to the intereſt of the houſe of Auſtria and the deſigns of her allies, as ſuch a declaration, or would ſo effectually deſtroy the credit, that France might ſtill have preſerved in Spain; for, though the houſe of Auſtria governed Spain for near two centuries, yet they loſt their intereſt there, when it was once known, that the Spaniſh ſceptre could not be continued longer in that family, without diſmembering her empire; while France, her immemorial enemy, offered to preſerve her monarchy intire, provided ſhe would receive the duke of Anjou for her king. This ſingle motive outweighed all other conſiderations; ſhe forgot her inbred antipathy to the French nation, and her friendſhip and obligations to the family of her former kings. She accepted his moſt

Chriſtian

The earl of Rocheſter delayed his going to Ireland very long. He perceived, that the king's heart was not with him, and

Will. III. 1701.

Chriſtian majeſty's offer, though ſhe could not but foreſee, that a French king would neceſſarily make her crown dependent on that of France. But the ſcene of affairs is much altered ſince that time. The exhauſted ſtate of France, the great confederacy formed againſt her, and the ſucceſs of the emperor's arms in Italy, ſufficiently declare to all the world, and to Spain itſelf, that France cannot preſerve her monarchy intire. The confederates can do it, if they are willing. France has taught us how the affections of that people are to be gained. Let us turn her own arts againſt her; nor can we fail to reap the greateſt advantages from ſuch a reſolution, whenever England and Holland ſhall think it a proper time to land an army in Spain upon this foot. Beſides, Spain will hereby recover her former independence. But, if we begin a war upon the [illegible] monarchy, we make an inſeparable union of intereſts between Spain and the duke of Anjou; and, in this caſe, we muſt expect to meet with the laſt efforts of an incenſed and deſperate nation." He then ſhews, that "all expedients to ſecure the trade of England and Holland are ridiculous, except that one of turning the duke of Anjou out of Spain. When this ſhall be effected, the reſt of the monarchy, except Flanders and Milan, that are garriſoned by French troops, muſt follow the fortune of their head. If we turn the duke of Anjou out of Spain, the houſe of Auſtria will be able to make us a good compenſation for the charges of the war; but, without that, we muſt expect no return for our expences. We know they cannot repay us in money; they can give us little or no advantage in our trade. And, for cautionary towns, I know none they could give us, that would be worth our acceptance, except Oſtend and Newport. But, inſtead of repaying us any part of our expence, theſe garriſons would be a perpetual charge to us, beſides the jealouſy that troops maintained there might create in the people of England. Moreover, the ſate of Tangier and Dunkirk ought to make us ſenſible, that thoſe garriſons will be more ſecure, if we put the houſe of Auſtria in a condition to protect them, by making the archduke king of Spain, than if we kept them in our hands." He aſſerts then, that "it is either a malicious or an ignorant ſurmiſe to ſay, that if the archduke were king of Spain, the houſe of Auſtria would become too powerful. The dominions of both branches of the houſe of Auſtria were united in the perſon of Charles V. who was great both for his wiſdom, courage, and military conduct. The kingdom of Spain was then at leaſt four times more powerful than at this day. He was abſolutely maſter of the ſeas. The duchy of Burgundy,

Will. III. 1701. and was very uneaſy at it; as, on the other hand, the king complained much of his intractable temper and imperious manner, and, by his intercourſe with him, the king came to ſee, that he was not the man he had taken him for; that he had no large nor clear notions of affairs abroad; and that, inſtead of moderating the violence of his party, he inflamed them; ſo that he often ſaid, that the year, in which he directed his counſels, was one of the uneaſieſt of his whole life. The earl, finding the king's coldneſs towards him, expoſtulated with him upon it, and ſaid, he could ſerve him no longer, ſince he ſaw he did not truſt him. The king heard this with his uſual phlegm, and concluded upon it, that he ſhould ſee him no more. But Mr. Harley made the earl a little more ſubmiſſive and compliant. After the king was gone beyond ſea, the earl alſo went into Ireland, where he uſed much art in obliging people of all ſorts, Diſſenters as well as Papiſts; yet ſuch confidence was put in him by the High-church party, that they bore every thing at his hands. It was not eaſy to behave himſelf towards the truſtees for the Iriſh forfeitures, ſo as not to give a general diſtaſte to the nation, for they were much hated, and openly charged with par-

with the Seventeen Provinces, were intire in him. Yet, notwithſtanding all thoſe advantages, he was but barely a match for France. If his ſon Philip II, put France very hard to it, we muſt not attribute that to the power of Spain, but to the civil wars of France; but, as ſoon as Henry IV had appeaſed the civil wars, and ſettled the diſtracted condition of the kingdom, the ſuperiority of France quickly appeared; and all the world allows, that both the branches of the houſe of Auſtria could not have prevented ſome fatal blow, that he was preparing to ſtrike, had not a ſudden and violent death ſtopped his deſigns. Since that time France has taken from them a great part of Flanders, the duchy of Burgundy, the country of Rouſſillon, and ſome other places on the frontiers of Spain, and has made conſiderable conqueſts on the ſide of Germany. "Spain is greatly diſpeopled, and her maritime power intirely loſt. And, ever ſince the time Guſtavus Adolphus broke the power of the German branch of the houſe of Auſtria, we find that both branches united have made no tolerable balance againſt France; the experience of which has coſt us and all Europe very dear, during the continuance of the two laſt wars. Surely then it would be very extravagant, if, in order to make a balance in Europe, we muſt take away from the weight of the houſe of Auſtria, which before was very much too light, and add to the weight of France, that was already exorbitantly great. And this muſt be the caſe, unleſs we turn the duke of Anjou out of the whole."

tiality,

tiality, injuſtice, and corruption. That which gave the greateſt diſguſt in his adminiſtration there, was his uſage of the reduced officers, who were upon half-pay, a fund being ſettled for that by act of parliament. They had been ordered to live in Ireland, and to be ready for ſervice there. The earl called them before him, and required them to expreſs, under their hands, their readineſs to go and ſerve in the Weſt-Indies. But, they not complying with this, he ſet them a day for their final anſwer, and threatened, that they ſhould have no more appointments, if they ſtood out beyond that time. This was repreſented to the king as a great hardſhip put upon them, and as done on deſign to leave Ireland deſtitute of the ſervice, that might be done by ſo many gallant officers, who were all known to be well affected to the preſent government; upon which the king ordered a ſtop to be put to it. Will. III. 1701.

We are now come to the laſt period of the life of king James II. He had led, for above ten years, a very unactive life in France. After he had, in ſo poor a manner, abandoned firſt England, and then Ireland; he had entered into two deſigns for recovering the crowns, which he may be ſaid more truly to have thrown away than loſt. The one was broke by the defeat of the French fleet at ſea before Cherburgh, in the year 1692: The other ſeemed to be laid with more depth, as well as with more infamy, when an army was brought to Dunkirk, and the deſign of the aſſaſſination was thought ſure; upon which it was reaſonably hoped, that the nation muſt have fallen into ſuch confuſions, that it would have been an eaſy prey to an army ready to invade it. The reproach, that ſo black a contrivance caſt upon him, brought him under ſo much contempt, that even the abſolute authority of the French court could hardly prevail ſo far, as to have common reſpect paid him after that (b). Death of king James. Cole. Kennet.

He

(b) His friends had generally repreſented him as incapable of conſenting to ſo ſhocking an attempt as that of aſſaſſinating king William. But it is evident, from an original letter of his, in the archbiſhop's library at Lambeth, printed in the firſt volume of ſecretary Thurloe's State Papers, p. 666, that he was not averſe to the employing of Roman Catholics in ſuch a deſign againſt Oliver Cromwell, even though they demanded, as a reward for it, a toleration of their religion in England. The letter is as follows:

Paris, May 14, 1655.

"There is a propoſition has "been made to me, which is "too long to put in a letter,

Will. III. 1701. He himſelf ſeemed to be the leaſt concerned in all his misfortunes; and, though his queen could never give over meddling, yet he was the moſt eaſy, when he was leaſt troubled with thoſe airy ſchemes, upon which ſhe was employing her thoughts. He went ſometimes to the monaſtery of La Trappe, where the poor monks were much edified with his humble and pious deportment (c). Hunting was his chief diverſion; and for the moſt part he led a harmleſs, innocent life, being ſtill

" ſo that I will, as ſhort as I " can, let you know the heads " of them. There are four Ro- " man Catholics, that have " bound themſelves in a ſo- " lemn oath to kill Cromwell, " and then to raiſe all the Ca- " tholics in the city and the " army, which they pretend to " be a number ſo conſiderable, " as may give a riſe for your " recovery, they being all " warned to be ready for ſome- " thing that is to be done, " without knowing what it is. " They demand ten thouſand " livres in hand; and when " the buſineſs is ended, ſome " recompenſe for themſelves, " according to their ſeveral qua- " lities, and the ſame liberty " for Catholics in England, as " the Proteſtants have in France. " 'I thought not fit to reject " 'this propoſition,' but to ac- " quaint you with it, becauſe " the 'firſt part of the deſign " 'ſeems to me to be better laid " 'and reſolved on,' than any " I have known of that kind; " and for the defects of the ſe- " cond, it may be ſupplied by " ſome deſigns you may have to " join it. If you approve of it, " one of the four, intruſted by " the reſt, will repair to you, " his charges being borne, and " give you a full account of " the whole matter. In the " mean time, he deſires, in his " own name and theirs, that " you would let but one or two, " whom you muſt truſt, know " it, and enjoin them ſecrecy. " This is all I can ſay of it at " this time."

(c) Father Brettonneau, the Jeſuit, in his 'Abridgment of 'the Life of king James II, 'extracted from an Engliſh Ma- 'nuſcript of the reverend Father 'Francis Sanders, of the So- 'ciety of Jeſus, and Confeſſor 'to that king,' tells us that the king never miſſed going to La Trappe once a year. He would ſtay there three or four days, and ſpend them in long medita ions and ſpiritual conferences with the abbot and his confeſſor, whom he took with him. He aſſiſted at the choir-hours, except at night; He eat nothing but eggs, raiſins, and other pulſe, unleſs he was indiſpoſed. But he was never ſo infirm, but he would dine once with the religious in the refectory, where no meat nor fleſh is ever ſerved up. The king wrote likewiſe this account of his retirement there:

" Foraſmuch as it has pleaſed the divine goodneſs graciouſly to touch my heart, " when I was at La Trappe; " more

ſtill zealous about his religion (d). In the beginning of this year, he had been ſo near death, that it was generally thought

Will. III. 1701.

" more ſenſibly than ever; I " have ſince, by the aid of the " ſame grace, done my utmoſt " to reform and amend my life. " At firſt, I went thither, partly " out of curioſity, to ſee, if the " deſcription, which had been " made me of this holy place, " and the accounts I had read " of it in England, were an- " ſwerable to the idea I had " formed of it; and partly to " know, if the abbot, who firſt " began this reform, merited " the praiſes and commenda- " tions, that were given him. " I was brought thither by an " old friend of mine, the mar- " ſhal de Bellefont, for which " I thanked him as long as he " lived. I found, that I ſuc- " ceeded by degrees in the de- " ſire, which I had of leading " a better life. After I had " been there about two or three " days (which, I thank God, " I continued to do every year " ſince my return from Ireland) " I perceived I had made a " conſiderable improvement; " for I began to have a more " perfect knowledge of the va- " nity of human grandeur. I " was very well convinced, " that nothing ought to be " more paſſionately deſired than " the love of God; and that " it is the duty of every good " Chriſtian to mortify himſelf, " eſpecially ſuch a wretch as I " am, who have lived ſo many " years in an almoſt continued " ſtate of ſin, till at laſt it has " pleaſed thee, O my God, " out of thine infinite mercy, " to call me back to thyſelf by " thy fatherly corrections."

(d) Father Brettonneau tells us, " That the king's confeſſor, after he had the honour to ſerve him, and be near his perſon nine years, thought he might ſafely affirm, that, in the moſt reformed ſtate of Chriſtianity, and the moſt virtuous and pious ſouls, it is very rare to find more unſpotted intentions, a more exact watchfulneſs, and a greater delicacy and tenderneſs of conſcience with reſpect to the leaſt faults and the ſmalleſt imperfections." The ſame writer likewiſe obſerves, " That his ſelf-abhorrence and holy confuſion for his ſins, inſpired him with ſuch a ſpirit of mortification, as would have carried him too far, if his confeſſor had not oppoſed it, and moderated his auſterities. He kept very ſevere faſts, and would upon certain days bind his body with a very ſharp pointed iron chain. His ſelf-diſcipline was very rigorous; and withal he took ſuch care to conceal thoſe exerciſes of penance, that, having once by chance left his inſtrument of diſcipline in a place, where the queen found it, he ſo bluſhed upon that occaſion, that her majeſty never ſaw him in ſuch a confuſion in her life. Notwithſtanding all which, he did not yet mortify himſelf to his mind. All the penances of this life ſeemed too light and eaſy for him. This made him aſk his confeſſor a queſtion, which has ſomewhat very par-

ticular

Will. III. 1701. thought the decline of it would carry him off. He went to Bourbon in April, where he continued till the latter end of May, but had no benefit of the waters there. In the beginning of September he fell into such fits, that it was concluded he could not live many days. The French king came to see him, and seemed to be much touched with the sight, and repeated to him, what he had before promised to his queen, that he would in case of his death, own the pretended prince of Wales as king of England. King James died on Friday the 16th of September, N. S. with great marks of devotion, and was interred in the church of the English Benedictines, in the suburbs of St. James at Paris, in a private manner, and without any sort of solemnity, as he had desired.

Father Brettonneau's abridgment of the life of king James, p. 96, 97, 98, 102.

King James's character. Burnet.

He was a prince that seemed made for greater things, than will be found in the course of his life, more particularly of his reign: He was esteemed, in the former parts of his life, a man of great courage, as he was quite through it a man of great application to business: He had no vivacity of thought, invention, or expression: But he had a good judgment, where his religion or his education gave him not a bias, which it did very often: He was bred with strange notions of the obedience due to princes, and came to take up as strange ones, of the submission due to priests: He was naturally a man of truth, fidelity, and justice: But his religion was so infused in him, and he was so managed in it by his priests, that the principles, which nature had laid in him, had little power over him, when the concerns of his church stood in the way: He was a gentle master, and was very easy to all who came near him: Yet he was not so apt to pardon, as one ought to be, that is the vicegerent of that God, who is slow to anger, and ready to forgive: He had no personal

ticular in it, and shews the extreme desire he had to satisfy the divine justice. 'Considering the life I have led (said he in a question, which he had set down in writing) and seeing my age and condition will not let me practise all the penances and mortifications, which are necessary to expiate my sins, and to testify my repentance of them to God, ought I not, reverend father, to be content to have my pains in purgatory prolonged, and to lay out what I had designed to obtain the divine mercy with, to have those pains abridged, in charities for the relief of the poor, and prayers for the dead.'. His confessor could not enough admire the principles which had inspired him with such a sentiment; but presently convinced him, that it carried him a little too far, and that one cannot desire to see God too soon."

vices

vices but of one ſort: He was ſtill wandering from one amour to another, yet he had a real ſenſe of ſin, and was aſhamed of it: But prieſts know how to engage princes more intirely into their intereſts, by making them compound for their ſins, by a great zeal for holy church, as they call it. In a word, if it had not been for his Popery, he would have been, if not a great, yet a good prince. Burnet ſays, that by what he once knew of him, and by what he ſaw him afterwards carried to, he grew more confirmed in the very bad opinion which he was always apt to have, of the intrigues of the Popiſh clergy, and of the confeſſors of kings. King James was undone by them, and was their martyr, ſo that they ought to bear the chief load of all the errors of his inglorious reign, and of its fatal cataſtrophe. As he was dying, he ſaid nothing concerning the legitimacy of his ſon; on which ſome made ſevere remarks; while others thought, that having ſpoke ſo often of it before, he might not reflect on the fitneſs of ſaying any thing concerning it in his laſt extremity. He recommended to him firmneſs in his religion, and juſtice in his government, if ever he ſhould come to reign. He ſaid, that, by his practice, he recommended Chriſtian forgiveneſs to him, for he heartily forgave both the prince of Orange and the emperor. The naming of the emperor, it was believed, had been ſuggeſted to him by the French, in order to render the emperor odious to all thoſe of his religion. Will. III. 1701.

Upon his death it was debated in the French council what was fit to be done, with relation to his pretended ſon, whom the king had promiſed him to acknowledge as king of England, at the perſuaſion of madam Maintenon, whom king James's queen had engaged for that purpoſe. The miniſtry adviſed the French king to be paſſive, to let him aſſume what title he pleaſed; but that, for ſome time at leaſt, his majeſty ſhould not declare himſelf. That this might be ſome reſtraint on king William, whereas a preſent declaration muſt precipitate a rupture. But the Dauphin interpoſed with ſome heat for the preſent owning him king. He thought the king was bound in honour to do it: That he was of the blood, and was driven away on the account of his religion. Upon this, orders were given to proclaim him at St. Germain's. His own court, it ſeems, was going about it, when a difficulty, propoſed by the earl of Middleton, put a ſtop to it. He apprehended, that it would look very ſtrange, and might provoke the court of France, if, among the titles, that of France ſhould be uſed; and it might diſguſt their party in England,

Will. III. England, if it were omitted: So that peice of ceremony was
1701. not performed (d).

Soon

(d) The circumſtances of his laſt illneſs and death, and the proclaiming the Pretender king, will beſt appear from the following extracts of the earl of Mancheſter's letters.

To Mr. Blathwayt.

Paris, Sept. 5, 1701.

King James was taken on Friday laſt with fainting fits, which returned upon him yeſterday. He was then ſo ill, that they gave him the extreme unction, and he was thought a dying. There is a report that he is dead, but I do not believe it; though by the accounts I have he cannot live twenty-four hours. I do therefore expect every moment the news of his death. I do not think of ſending a courier till I ſee how the court of France will act, and whether they will own the p. prince of Wales. By what I can learn they are undetermined at preſent what to do, and whether they ſhall ſuffer thoſe of St. Germain's to proclaim him. I will take care to inform his majeſty of every ſtep that is made.

To Mr. ſecretary Vernon.

Paris, Sept. 7, 1701.

On Sunday laſt king James had again ſeveral fainting fits, which laſted ſo long that they thought him dead; but they brought him at laſt to himſelf. He received the extreme unction, and ſeems much reſigned. "He exhorted my lord Middleton, and the reſt of his Proteſtant ſervants, to embrace the Romiſh religion, and deſired the p. prince of Wales to keep his faith, ſhewing him of how little value a crown was in compariſon to his ſalvation. In ſhort he continued long on this ſubject, and told the curate of St. Germain's, that he would be buried in their church, with only an inſcription, J. K. of England. The phyſicians cannot tell what his diſtemper is. They think that an impoſthume is broke, for a great deal of corruption and blood comes continually from him. Yeſterday he had another fit, which laſted an hour. The French king and the whole court have been to take their leave of him; but he was not dead laſt night, though none expect he can recover. I know ſo much, that, as ſoon as he dies, the p. prince will take upon him the title of king of England, and he will be owned as ſuch by thoſe of St. Germain's, I am in doubt, whether the court of France will own him ſo ſoon. As ſoon as I hear how this court acts on this occaſion, I intend to ſend an expreſs to his majeſty for inſtructions and orders."

To Mr. Blathwayt.

Paris, Sept. 9, 1701.

King James is ſtill alive, but without any hopes of recovery.

He

Soon after this, the king of Spain owned the pretender as king of England, as likewiſe did the pope and the duke of Savoy; Will. III. 1701.

He ſeems much reſigned, and has exhorted the lords Middleton, and Griffin, and the reſt of his Proteſtant ſervants, to embrace the Romiſh religion. I hear the latter is extremely uneaſy, becauſe the king of France was preſent, and took notice of him, and ſaid, that he hoped he would conſider what king James had ſaid to him. This will have the greater effect, becauſe, if he ſhould not change, it is uncertain, whether the French court will have any ſuch regard for him as it has had hitherto. They talk much of what king James ſaid to the p. prince to keep ſtedfaſt to his religion, and not depart from it on any account whatſoever. I can tell you, that the moment king James dies, the other will take the title of king of England, and will be owned as ſuch by thoſe of St. Germain's. The French king is now at Marly, and at his return he goes to Fontainebleau: So it may be eaſily conceived not to ſee the p. prince till his return. The queen will be in a convent at Chaliot till the king is buried, and the p. prince at the duke of Lauſun's at Paris, and after that they will return to St. Germain's. I doubt not but the French will call him Roy d'Angleterre.

To Mr. ſecretary Vernon.

Paris, Sept. 14. 1701.

It was expected, that king James would have died laſt night, but he was alive this morning, though they expect he will expire every moment, being dead almoſt up to his ſtomach, and he is ſenſible of no pain. The king of France was there laſt night, and did declare, that he would own the p. prince for king of England immediately. This he ſaid before ſeveral people, and I have it from ſuch good hands, that I hardly doubt it.

To Mr. Blathwayt.

Paris, Sept. 16, 1701.

We have ever ſince Tueſday laſt been expecting to hear of the death of the late king. His grand diſtemper now is a lethargy, and he is often thought dead, though with cordials, &c. they keep him up without any hopes of recovery. The king of France was that day to ſee him, and then he declared publickly, that he would own the p. prince for king of England, and ordered the captains of the guards to pay him the ſame honours they did to the late K. James. This it what his majeſty may rely upon. I know, that ſome of the foreign miniſters took notice of it yeſterday to M. de Torcy, who ſaid, that there was nothing in that contrary to the treaty of Ryſwick. I cannot tell how they will explain this here, but certainly it cannot be underſtood ſo; and it ſhews at leaſt, that this court does not intend to keep any meaſures with his majeſty.

Will. III. 1701. Savoy; and the king of France preſſed all other princes to do it, in whoſe courts he had miniſters, and prevailed on the pope

jeſty. There is now in the preſs an edict to prohibit all trade with England; but, that it may not look like a declaration of war, they do permit the bringing in of beer, cyder, glaſs-bottles, and wool. Notice is already ſent to all the ſea-ports, and, after the firſt of November next, no perſon is to wear any of the manufactures of England under ſevere penalties.

To Mr. ſecretary Vernon.

Paris, Sept. 17, 1701.

The late king James died yeſterday between three and four o'clock in the afternoon; and the p. prince was immediately proclaimed king of England by the title of James the Third. I do not hear, that there was any other ceremony than that, after he had taken the title of king, thoſe of St. Germains kiſſed his hand, and treated him with majeſty. After that the French complimented him, and did the like. What was done in the town was in a tumultuous manner, by crying, 'Long live king 'James the Third, &c.' I do not doubt but before now the king of France and the reſt of the court have complimented him, all that matter having been ſettled beforehand. He continues at St. Germain's, but the queen is come to Chaliot, a convent near Paris. I do not find, that the late king is much regretted at St. Germain's, ſince the French king has promiſed, that all things there ſhall remain on the ſame foot they were. I ſhall not give my opinion, and I do take it, that none are ſo proper to judge about this as the lords juſtices, ſince it does not only regard the honour of his majeſty, but alſo that of the nation; but I believe this is the firſt precedent of a king, who has owned another king; and, whilſt his ambaſſador is at court, he owns another again with the ſame titles. I know they ſay here, that there is nothing in this contrary to the treaty of Ryſwick, which they explain by their not intending to aſſiſt him in recovering his crown, at leaſt during the life of his majeſty; but I thought treaties between princes extended to them and their ſucceſſors; but that I ſuppoſe they will pretend to obſerve, ſince they have named a ſucceſſor. The foreign miniſters are extremely ſurpriſed, and ſay they could not have believed what they now ſee.

To Mr. Blathwayt.

Paris, Sept. 19, 1701.

I have already acquainted the lords juſtices (ſince I believe his majeſty will come to no reſolution till they have given their opinion) that the late king died on the 16th in the afternoon, and that immediately the p. prince was proclaimed king of England by the title of James the Third. There was no other

pope to preſs the emperor and other Roman Catholic princes to acknowledge him, tho' without effect. The king of Portugal's Wilt. III. 1701.

other ceremony than that the queen waited on him, and treated him as king; after that, thoſe of St. Germain's kiſſed his hand, and the French complimented him. What was done in the town was done in a tumultuous manner. Some ſay there was a herald, an Iriſhman; Lord Middleton, &c. did not appear, becauſe they could not tell how the title of France would be taken here, had they done it in form. Lord Middleton brought the ſeals to him, which he gave him again. Others did the like. I am told, that before the French king made this declaration, he held a council at Marly, where it took up ſome time to debate, whether he ſhould own him or no; or, if he did, whether it ought not to be deferred for ſome time. The ſecret of all this matter is this, that in ſhort, there was a perſon, that governs here, who had ſome time ſince promiſed the queen, that it ſhould be done; ſo that whatever paſſed in council was only for form's ſake. The French king came to St. Germain's, and aſſured the queen and the p. prince, that he would own him as ſoon as the king was dead. Upon which the queen told him, that it would be a great conſolation to the late king, if his majeſty would tell him as much; which he did, and then his ſervants were called in, to whom he declared the ſame. To morrow the French king goes to St. Germain's, to make the p. prince the firſt viſit as king. The queen is now at a convent at Chaliot; but ſhe returns to-morrow to St. Germain's, where ſhe will continue. The body of the late king is brought to the Engliſh Benedictines, where it will be expoſed forty days, and then left there till a proper opportunity of carrying it for England. 'I do hear, that at court they pretend, that there is nothing in all this contrary to the treaty of Ryſwick; which notion they explain by their not intending to aſſiſt him in recovering the crown, at leaſt not during the life of his preſent majeſty. I thought treaties extended to the princes and their heirs and ſucceſſors; but even there I ſuppoſe they are right, as having named the ſucceſſor. I aſſure you, moſt of the French are ſurprized at this proceeding; but it is generally ſaid, that the French king has wrote to his majeſty, to ſhew the neceſſity he was under, and that M. de Torcy has ſpoke to me, whom I have not heard a word from; and therefore I do not believe the other. I cannot ſee what can be ſaid to palliate this matter. I do not intend to appear at court till I have his majeſty's orders, which I imagine will be rather to return to England. We ſhall ſee now, whether any of the foreign miniſters will compliment the p. prince. I ſuppoſe the Spaniſh ambaſſador will,

Will. III. 1701. tugal's anſwer to the French miniſter upon this occaſion was, that he was reſolved to maintain a friendſhip and good correſpondence

Lambert, Vol. I. p. 691.

will, which I take it is in our power to reſent in the like manner.

To Mr. ſecretary Vernon.

Paris, Sept. 21, 1701.

I did not go to Verſailles yeſterday, for I thought it not proper till I had his majeſty's orders; and I am confident, that there are none here, if they dare to own their opinion, but they muſt ſay, that I am in the right. I think I ſhould have made a worſe figure than count Zinzendorf did, when he was preſent whilſt the duke of Anjou was declared king of Spain. I was ſatisfied, that the whole diſcourſe would be of their new Roy d'Angleterre, and of the French king's going to make him the firſt viſit at St. Germain's, which he did that day. He ſtaid but a little with him, giving him the title of majeſty. He was with the queen a conſiderable time. The reſt of the court made their compliments the ſame day. I am told, that M. de Torcy declares, that this does not any way alter the intentions of the king from obſerving the treaty of Ryſwick, and he alledges ſeveral examples in the like caſes. He ſeemed concerned, that I was not there; and he did deſire one to let me know, that he ſhould be at Paris on Friday, and that he would either wait on me, or be glad to ſee me. I intend to ſee him. I intend to ſee him, and to hear what he will ſay, and then I ſhall acquaint you with it. I have had a very difficult part to act, and I cannot but ſee this will make it worſe.

To Mr. ſecretary Vernon.

Paris, Sept. 24, 1701.

I have ſeen monſieur de Torcy, who did endeavour to put the beſt colour on this laſt proceeding. His chief aim was to ſhew me, that there was nothing in this contrary to the treaty of Ryſwick; and I could perceive, that the French king was brought to do it at the ſolicitation of the queen at St. Germain's. It is certain, that monſieur de Torcy, as well as the reſt of the miniſters, was againſt it; and only the Dauphin and madam de Maintenon, whom the queen had prevailed with, carried this point; which I am ſatisfied they may have reaſon to repent of. It begins to appear already, ſince I can aſſure you, that, if I take my leave, it will cauſe an univerſal conſternation here. I ſee, that they are in no condition to ſupport a war, and the affairs of France were never in ſo ill a poſture. I told him my mind very freely, and there is ſo much to ſay on this ſubject, that he could not anſwer me. I ſaid, that it was ſuch a precedent, as might come home to them at laſt: That there were others, who pretended to the crown of Spain, as well as the preſent king, and I left him to judge how

reſpondence with his moſt Chriſtian majeſty, and to obſerve religiouſly all his alliances with him; but that he could not reſolve Will. III. 1701.

how that would be liked, if we ſhould act as they do. It is not neceſſary to repeat all that paſſed; but, when I take myſelf to be in the right, I am apt enough to ſpeak plain. I found him very calm, and even concerned. Without doubt they expect I ſhall be recalled; and they will be ſorry, if it ſhould happen ſo at laſt. I told him I would wait his majeſty's orders, and till then I could ſay nothing to this matter: That I ſuppoſed I ſhould have them ſoon, and then I would acquaint him with them. He ſaid, he hoped to ſee me at Fontainebleau. He entered on the ſubject of the negotiation, and how the peace would ſet all right. I told him, that it was viſible, what difficulties there have been in relation to the emperor; and that there was no occaſion for creating new ones, which might oblige us to take ſuch meaſures, as poſſibly we might otherwiſe not take. I know, that the king ordered monſieur de Torcy to ſoften this matter to me as much as he could. I have thought of laying this whole conference, which laſted an hour, before his majeſty; though there is not relying on what this court ſays or does, after what we have ſeen. I am afraid of even giving my opinion; and it would be better, if I could have the honour to relate this to his majeſty by diſcourſe; though I fear there never will be any treating with this court, without great vigour and reſolution, and with ſword in hand.

To Mr. Blaithwayt.

Paris, Sept. 26, 1701.

I have ſeen monſieur de Torcy, who did endeavour to put the beſt colour on the late proceedings. The will of the late king James is opened, but not yet publiſhed; but I hear it is to be printed. What I have learned of it is, that the queen is made regent; the French king is deſired to take care of the education of the p. prince: That, in caſe he be reſtored, the queen is to be repaid all that ſhe has laid out of her own: That all other debts, which they have contracted ſince they left England, and what can be made out, ſhall be paid: That the new king ſhall not take any revenge againſt his father's enemies, nor his own: That he ſhall not uſe any force in matters of religion, nor in relation to the eſtates of any perſons whatſoever. He recommends to him all thoſe that have followed him. I am told, that lord Perth is declared a duke, and Caryl a lord. I do not doubt but we ſhall hear of ſeveral new titles and garters. Certainly there ought to be ſome ſtop put to all this, elſe we ſhall not know where we are.

Will. III. 1701. reſolve upon a thing of that nature, which might be attended with dangerous conſequences. The king of Denmark likewiſe made the ſame refuſal.

King

To Mr. ſecretary Vernon.

Paris, Sept. 28, 1701.

I have received yours of the 11th, and am much obliged to their excellencies for the repreſentation they have made to his majeſty. I am confident that the king will be of that opinion, ſince they are ſo. I was unwilling to preſs this matter, leſt conjectures might have been made to my diſadvantage; though I hope it is apparent, that the only aim I have is his majeſty's ſervice, and the honour of the nation. I am ſatisfied, that this court will contrive matters ſo, that it cannot be long before they will oblige me to be gone. Their actions ſhew, that there is nothing now left but that. The owning the p. prince is againſt the fourth article of the treaty of Ryſwick, if words can mean any thing; and the prohibition of our commerce is againſt the fifth article of this ſame treaty. But theſe are ſmall matters to what you would have ſeen, had it been in their power. The only ſatisfaction we have is, that all Europe muſt be convinced, that we are not the aggreſſors; and England muſt be convinced, that his majeſty is not for engaging them in a war, if it can be prevented; but you know already my opinion. The will of the late king will be printed, and I hope to ſend it you by the next poſt. There are to be great numbers ſent into England, ſo that poſſibly you may have it before me. Lord Middleton is declared earl of Monmouth by this will; lord Perth is to be a duke by an old patent; but they ſay lord Middleton will not take his new title. There are ſeveral other lords made, but not yet declared; ſo that the houſe of lords will be well filled at their return. We ſhall ſoon hear, that ſome garters are diſpoſed of. It is a comical ſcene, and I hope it will end ſo. I find M. Pouſſin is a very pleaſant gentleman: I could ſend you many ſtories about him from hence. I am glad he is at laſt puzzled about our fleet. They are very uneaſy about it here, and would fain know what we intend to do with it.

To Mr. ſecretary Vernon.

Paris, Octob. 1, 1701.

Laſt night arrived here a meſſenger from Loo. Mr. Blathwayt acquaints me, that his majeſty, having conſidered the proceedings of this court, does order me to return to England forthwith, without taking leave. I am only to let monſieur de Torcy know the reaſons, why his majeſty does not think it for his honour, nor ſervice, to continue longer any ambaſſador or other miniſter here. I propoſe to ſet out in leſs than ten days, and I do deſire their excellencies the lords juſtices will order

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King William was no ſooner informed of this proceeding of the king of France, but he diſpatched a courier to the king of Sweden, as a guarantee of the treaty of Ryſwick, to give him an account of this manifeſt violation of it; and on the ſame day ſent an expreſs to the earl of Mancheſter, his ambaſſador at Paris, to order him to return to England, without taking his audience of leave. Upon which his excellency wrote the following letter to the marquis de Torcy, ſecretary of State for foreign affairs: Will. III. 1701. The earl of Mancheſter ordered to leave France. Cole.

" Paris, Octob. 2, 1701.

" SIR,

" The king my maſter, being informed that his moſt " Chriſtian majeſty has owned another king of Great-Britain, " does not believe that his honour and his intereſt permit " him to keep any longer an ambaſſador with the king your " maſter; and has ſent me orders to retire immediately; of " which I do myſelf the honour to give you notice by this " letter, and I do aſſure you at the ſame time, that I " am, &c."

This letter being communicated to the French king, who was then at Fontainebleau, he aſſembled his council, to deli-

a yacht for me at Calais. I cannot but think this reſolution is right, and I am glad it is taken; though, in relation to myſelf, I could have wiſhed there had been no occaſion for it, that ſo I might have left this court in a better manner.

To Mr. Blathwayt.

" Paris, Octob. 4, 1701.

Mr. Collins, the meſſenger, arrived here on the 30th paſt with his majeſty's orders; and the next day I received a duplicate of them by the poſt. On the 2d inſtant, I acquainted monſieur de Torcy with them, in the manner you had directed me, and I have incloſed his anſwer. I have ſome reaſon to think, that the court was a little ſurpriſed, though they might reaſonably expect ſuch a reſentment. You will ſee, that monſieur de Torcy refers me to the converſation I had with him before he went to Fontainebleau, of which I have already informed you. I muſt own, that they are much civiller on this occaſion, than I expected they would have been; and I have great obligations to monſieur de Torcy, who has, on all occaſions, ſhewed himſelf extreme kind to me, and even in this caſe he expreſſes it. He will procure me paſſports for my goods, elſe I ſhould not have known what to do. I intend to ſet out for England by the 10th.

Will. III. 1701. berate upon an anſwer, which monſieur de Torcy returned the ſame day in the following terms:

" My lord,

" I can add nothing to what I had the honour to tell you " eight days ago, about the ſincere deſire which the king has " always had to preſerve the peace with the king your maſter, " confirmed by the treaty of Ryſwick. As to me in parti- " cular, I only pray you to be perſuaded, that, in whatever " place you are, you will find no-body, who is more truly " than I ſhall be all my life-time yours, &c."

The French king's manifeſto in proclaiming the Pretender. Lambert. I. 689.

The French king likewiſe juſtified his conduct in owning the pretender, by the following manifeſto, which he diſperſed in all the courts of Europe.

" The king of England dying at St. Germain's on the " 16th of September, 1701, the prince of Wales imme- " diately took the title of king, which belonged to him as " ſon and heir of the late king his father. His moſt Chri- " ſtian majeſty made no difficulty of owning him under that " title; and, even ſome time before the death of the king " of England, his moſt Chriſtian majeſty had aſſured him, " that he would do ſo: as his majeſty had always treated " him as prince of Wales, the conſequence is natural to ſtile " him king of England, as ſoon as the king his father died. " No reaſon oppoſes this, when there is no engagement to " the contrary; and it is certain, there is none in the treaty " of Ryſwick. The fourth article of that treaty declares " only, that his moſt Chriſtian majeſty ſhall not diſturb the " king of Great-Britain in the peaceable poſſeſſion of his do- " minions; nor aſſiſt with troops, or ſhips, or any other " ſuccour, thoſe, who ſhall attempt to diſturb him. His " moſt Chriſtian majeſty's intention is to obſerve punctually " this article; and it is certain, that the title of king of En- " gland, which the prince of Wales could not diſpenſe with " taking upon himſelf, will not procure him any other aſ- " ſiſtances from his moſt Chriſtian majeſty, than what the " late king his father received ſince the treaty of Ryſwick, " which were merely for his ſubſiſtence, and the alleviation " of his misfortunes. The generoſity of his moſt Chriſtian " majeſty would not allow him to abandon either that prince " or his family. He is no judge between the king of Great- " Britain and the prince of Wales. He cannot determine

" againſt

" againſt the latter, by refuſing him a title, which his birth Will. III.
" gives him. In a word, it is ſufficient, if his moſt Chri- 1701.
" ſtian majeſty obſerves exactly the treaty of Ryſwick, and
" adheres ſtrictly to the terms of that treaty, at a time,
" when the conduct of the king of Great-Britain and the
" States-general, the ſailing of their fleets, the ſecret aſ-
" ſiſtance which they give the emperor, the declarations
" which they make in favour of that prince, the troops,
" which they are raiſing in all parts, might be regarded with
" much greater reaſon, as a real contravention to trea-
" ties.

" Beſides, it is not a new thing to give to children the
" titles of kingdoms, which the kings their fathers have loſt,
" though the princes, who gave thoſe titles, are at peace
" with thoſe who are in poſſeſſion of thoſe kingdoms. Hiſ-
" tory furniſhes many examples among the kings of Naples
" and thoſe of Navarre. Laſtly, the kings of Poland of the
" houſe of Vaſa, having loſt the kingdom of Sweden, were
" treated by France as kings of Sweden till the peace of
" Oliva, at the ſame time that there was the ſtricteſt alliance
" with king Guſtavus and queen Chriſtina. I do not be-
" lieve it to be neceſſary to cite theſe examples, ſince no per-
" ſon can conteſt, that his majeſty's conduct in this point is
" juſt, worthy of his generoſity, conformable to treaties,
" and to what he has done for the late king of England,
" ſince he ſought an aſylum in France."

But this manifeſto could not paſs on the world, ſince the owning the pretender's right was a plain declaration, that France would aſſiſt him in claiming it, whenever the ſtate of their affairs would allow it. However, monſieur Pouſſin, Lamb. I. who had been ſecretary to monſieur de Tallard, and was left 692. by him in England to manage the affairs of his court there, offered to preſent this manifeſto to ſecretary Vernon, who refuſing to receive it, he cauſed the ſubſtance of it to be publiſhed under the title of, 'The French king's reaſons for 'owning the pretended prince of Wales king of England,' ſuppoſed to be communicated in a letter from Paris to a friend in London. Theſe reaſons were ſuppreſſed by the command of the government, and monſieur Pouſſin ordered to leave the kingdom by a limitted time; though a night or two before his departure, a thing happened, which made a great deal of noiſe; for he was found at ſupper at a public tavern, with three members of the houſe of commons, who were zealous oppoſers of the court, Mr. Anthony Hammond,

Will. III. 1701. Mr. John Tredenham, and Dr. Charles Davenant. This gave an alarm of ſecret correſpondence; and, though they excuſed themſelves upon accident and common civility, yet they fell under great odium; and with others of their party, were branded by the name of Pouſſineers, in a paper called the Black Liſt (a).

The Engliſh nation inflamed by theſe proceedings. Burnet.

The conduct of the French court gave an univerſal diſtaſte to the whole Engliſh nation: All people ſeemed poſſeſſed with an high indignation upon it, to ſee a foreign power, that was at peace with them, pretend to declare, who ought to be their king. Even thoſe, who were perhaps ſecretly well pleaſed with it, were yet, as it were, forced, for their own ſafety, to comply with the general ſenſe of the reſt in this matter. The city of London began with an addreſs,

Addreſſes from all parts.

(a) The ſtory is thus related by a writer of their own party, ſuppoſed to be Dr. Davenant, in a piece intitled, 'Tom Double returned out of the Country.' Or, 'The true Picture of a Modern Whig, ſet forth in a ſecond dialogue between Mr. Whiglove and Mr. Double.' He tells us, p. 48, 49, that Mr. Hammond and Mr. Tredenham had agreed to ſup together that night. About ſeven in the evening Mr. Hammond and one Mr. Awberry, a perſon of good ſubſtance and credit in the city, came to give Dr. Davenant a viſit at Gray's Inn. The doctor propoſed to them ſupping at a tavern in Holbourn; but Mr. Hammond anſwered, he was engaged to meet Mr. Tredenham at the other end of the town, and deſired the doctor and Mr. Awberry to be of their company, but Mr. Awberry ſaid he had buſineſs in the city. So they went together without him, and in the way made a viſit, where they ſtaid till near nine of the clock. From thence they went to Mr. Tredenham's lodgings, who had left word he was at the Blue Poſts in the Hay-market; whom accordingly they found there with D. Bernardino, the Spaniſh conſul, whom he had met in the Park, and, being an old acquaintance, had propoſed ſupping with him. In a quarter of an hour ſupper came in: When the meat was actually upon the table, it ſeems monſieur Pouſſin came to that houſe, and inquired for D. Bernardino. The drawer fetched out Bernardino to him, who told monſieur Pouſſin he was at ſupper there with Mr. Tredenham, who had a general acquaintance with monſieur Pouſſin, they having lodged in the ſame houſe together. Upon which D. Bernardino brought monſieur Pouſſin into the room; but, ſeeing two ſtrangers there, he made an apology, and ſat down. They ſupped in a ground-room, the door being all the while open, and two waiters attending: and after three quarters of an hour's ſtay at moſt, as ſoon as ſupper was ended, the company ſeparated.

which

which was preſented to the lords juſtices, in which they ex- Will. III.
preſſed, "That they were deeply ſenſible how much they 1701.
"were in duty bound, highly to reſent that great indignity
"and affront offered to his majeſty by the French king, in
"giving the title of 'King of England, Scotland, and
"Ireland' to the pretended prince of Wales, contrary to
"his majeſty's moſt juſt and lawful title, and to the ſeveral
"acts of parliament for ſettling the ſucceſſion to the crown
"in the Proteſtant line. That by this it was apparent, that
"he deſigned, as much as in him lay, to dethrone his ma-
"jeſty, to extirpate the Proteſtant religion out of theſe his
"majeſty's kingdoms, and to invade their liberties and pro-
"perties, for the maintaining whereof his majeſty had ſig-
"nalized his zeal by the often hazarding his precious life.
"They therefore aſſured his majeſty, that they would at all
"times, and upon all occaſions, exert the utmoſt of their
"abilities, and contribute whatever lay in their power for
"the preſervation of his perſon, and the defence of his juſt
"rights, in oppoſition to all invaders of his crown and
"dignity."

This addreſs being tranſmitted to the king in Holland, his majeſty gave ſpecial directions to the lords juſtices, to acquaint the lord mayor and aldermen with the great ſatisfaction he had upon the receiving it. According to this precedent, numerous addreſſes came from all parts of the kingdom. A great diverſity of ſtile appeared in theſe addreſſes; ſome avoided to name the French king, the prince of Wales, or the act of ſettlement, and only reflected on the tranſaction in France in general and ſoft words. But others carried the matter farther, encouraging the king to go on in his alliances, promiſing him all faithful aſſiſtance in ſupporting them; and aſſuring him, that, when he ſhould think fit to call a new parliament, they would chuſe ſuch members as ſhould concur in enabling him to maintain his alliances. This raiſed the diviſions of the nation higher.

The king having finiſhed his alliances, and eſpecially that between England, Holland, and the empire, began to prepare for his return; but was detained at the Hague above a month, by a ſevere indiſpoſition, which was concealed as much as poſſible; becauſe the very news of his ſickneſs would have been an obſtruction to the intereſts of Europe; and, if his death had happened at that time, it muſt have occaſioned great confuſion in England, and other parts. The king began now to conſider his illneſs as a preſage, that he had not long to live; and was ſo ſenſible of his declining ſtate, that The king prepares to return to England.

Will. III. 1701. he told the earl of Portland, "That he found himſelf ſo weak, that he could not expect to live another ſummer;" but charged him at the ſame time, 'to ſay nothing of it till 'he was dead.'

A new parliament called. Burnet.

The king at laſt embarked towards the beginning of November, and landed at Margate on the 4th of that month; and the firſt thing that fell under debate upon his return, was, whether the parliament ſhould be continued, or diſſolved, and a new one called. Some of the leading men of the former parliament had been ſecretly aſked, How they thought they ſhould proceed, if they ſhould meet again? Of theſe, whilſt ſome anſwered doubtfully, others ſaid poſitively, that they would begin where they had left off, and would inſiſt on their impeachments. The new miniſtry ſtruggled hard againſt a diſſolution, and, when they ſaw the king reſolved on it, ſome of them left his ſervice. This convinced the nation, that the king was not, in a double game, which had been confidently given out before, and was too eaſily believed by many. The parliament being firſt prorogued till the 13th of November, a proclamation was publiſhed on the 11th of that month for diſſolving it, and ſummoning another to meet at Weſtminſter on the 30th of December. The heats in elections increaſed with every new ſummons; and this was thought ſo critical a conjuncture, that both ſides exerted their full ſtrength (b). Moſt of the great counties and

(b) 'There was publiſhed upon this occaſion a pamphlet in 4to, intitled, 'The candi-'dates tried: Or, A certain 'way how to avoid miſtakes 'in chuſing members for the 'enſuing Parliament:' The author of which begins with obſerving, "That there is no "perſon in the leaſt acquainted "with the preſent poſture of "affairs, but muſt ſee, that "upon the choice of a good or "ill houſe of commons, de-"pends the happineſs or mi-"ſery of this nation; and "therefore it is, that our moſt "gracious king has, by diſſolv-"ing the laſt parliament, given "his people an opportunity of "chuſing ſuch perſons, as may "enable his majeſty, in con-"junction with his allies, to "reſtore the balance of Europe. "How neceſſary this is to be, "I need not (ſays he) mention, "ſince nothing can be plainer, "than that if Spain and the Spa-"niſh Weſt-Indies, or Flan-"ders, remain in the power of "France, the nation is irreco-"verably loſt; and that, if we "miſs this opportunity, we "cannot in all human probabi-"lity expect another. And "conſequently an ill choice at "this juncture is ſuch an error, "as can never be retrieved. "Therefore it is highly neceſ-"ſary to offer ſome marks, "whereby

and the chief cities thoſe men, who were zealous for the king Will. III. and 1701.

" whereby perſons of the meaneſt capacities may diſtinguiſh their friends from their enemies; thoſe, that pretend to be ſo, from thoſe, that are really ſo." He then ſhews, that, as the nation was divided into two parties, known in former reigns by the names of Whigs and Tories, ſo it was plain that the Papiſts, the ſwearing and the non-ſwearing Jacobites, agree in applauding and ſupporting the latter, and in reviling and oppoſing the former. And therefore thoſe, who were not otherwiſe capable of diſcovering the nation's friends from its enemies, could not well be miſtaken, if in all elections they went counter to the Jacobites, and oppoſed the party they eſpouſed. To ſhew that it was reaſonable to act thus, he examines what grounds the Tory party had given the Jacobites to be ſo much in love with them, and by conſequence for the well-wiſhers to the government and the Proteſtant religion, not to confide in them. " Have not theſe (ſays he) " good reaſons for their kindneſs, ſince the party, eſpecially their leaders, have all along ſhewn their diſaffection " to the preſent eſtabliſhment? " How could they declare themſelves fuller for what " they call the right line, than " by oppoſing the abdication, " the recognition, not allowing " his majeſty to be rightful " king, and againſt entering " into an aſſociation to preſerve " his majeſty and the government, when in moſt imminent danger. They owe them " eternal gratitude for oppoſing " all ſuch equal and eaſy methods for raiſing money as " would have kept us out of " debt, on pretence leſt the " king, whoſe ambition and " delight it was to head armies, " might, by the eaſe of the " people found in paying them, " be tempted to perpetuate the " war, or elſe the nation might " be induced to continue them " in time of peace. By which " means we run into land-banks and other deficient " funds, which deſtroyed credit, and plunged the nation " in immenſe debts. The party, " not content herewith, were " againſt recoining the money, " though it is evident, the not " doing of it would have brought " us into confuſion. Afterwards they not only oppoſed " its going by weight till recoined, but obliged the nation to make good all that " was clipped, or to be clipped, " by ſuch a time, of which " none had any advantage but " the traders in money, who, " of all men, did not deſerve " ſuch a favour. Neither was " this all, but they were for " raiſing the ſilver coin; and, " when they could not carry " that, they fought it out to " the laſt for keeping up the " price of guineas. What could " the Jacobites deſire more, " ſince that very thing (had it " proved ſucceſsful) would have " been of moſt fatal conſequence? It is certain the

" French

Will. III. and government (c); but the rotten part of our conſtitution,
1701. as an eminent author ſtiles the ſmall boroughs, were in many
places

" French king depended very
" much on this project; for,
" when he found the nation,
" notwithſtanding the counter-
" aſſurances given him by his
" creatures, had overcome all
" the difficulties relating to the
" recoining of the money, he
" deſpaired of bringing about
" his deſigns by a war, but
" hoped to do it more effec-
" tually in a time of peace by
" the jealouſies, diviſions, and
" animoſities he could ſet on
" foot by the help of his party
" here." He then proceeds to obſerve, that the Jacobites could not be miſtaken in their men, 'when 'thoſe, that were moſt inſtru-'mental in the late reigns to 'carry on their villanous de-'ſigns, are the leading men of 'that party now; and, the 'more they were concerned in 'promoting Popery and ſlavery 'at home, and abroad in de-'preſſing of Holland, and ex-'alting of France, the more 'they are careſſed; as if that, 'and a violent oppoſition to the 'preſent conſtitution, joined 'with an implacable hatred to 'all its friends, were the quali-'fications,' that moſt recom-'mended them to head the 'party.' He then expoſes their conduct in endeavouring to ſave Sir John Fenwick, when they were convinced in conſcience, that he was guilty; and, though they had pretended to abandon their former Tory-principles, this was only a ſcheme of diſſimulation the better to effect their deſigns, and to ingratiate themſelves with the people. That, with regard to the 'act 'of ſucceſſion,' " though they
" could not have oppoſed it
" openly, without putting off
" the maſk, and it muſt have
" gone down, whether they
" would or not, having the
" weight of the nation with it,
" yet they did what they could
" to ſhew their diſlike of it, by
" treating it with an air of con-
" tempt and ridicule, and their
" putting Sir John Bowles in
" the chair, and conſtantly run-
" ning out of the houſe as ſoon
" as he had taken it, was no
" ſign they intended it any great
" honour. In a word, their
" conduct was ſuch, that the
" lords, though they deſigned
" ſeveral amendments, durſt
" not truſt the bill down again,
" for fear it might occaſion
" the loſing it, and ſo imme-
" diately paſſed it." He is very full likewiſe in ſhewing how great friends the Tory-party, in the two houſes, and thoſe in the miniſtry, had been to France, by their conduct upon the French king's making his grandſon king of Spain, and in many other inſtances.

(c) The city of London and the borough of Southwark delivered to their members remarkable papers of inſtructions. That from the city was as follows:

" Gentlemen,

" We earneſtly deſire and
" charge you, our repreſenta-
" tives, that in the approach-
" ing

places wrought on to chuſe bad men. However, upon the whole, it appeared, that a clear majority was in the king's intereſts. Will. III. 1701.

The

' ing parliament you heartily ' purſue the engagements made ' to his majeſty in the addreſs ' of this city, and other loyal ' addreſſes from all parts of the ' kingdom. To this purpoſe ' we expect that, to the utmoſt ' of your power, and without ' loſs of time, you endeavour ' to put his majeſty into a con- ' dition to maintain his un- ' doubted right and title to the ' crown, and to vindicate his ' and the nation's honour: To ' enable him in this critical ' juncture to provide for the ' ſecurity of his kingdoms; to ' appear at the head of the ' Proteſtant intereſt; to make ' good his alliances, and, in ' conjunction with his allies, ' ſo to reduce the French king, ' that it may be no longer in ' his power to diſturb and op- ' preſs the reſt of Europe. In ' order to theſe good ends, we ' deſire you diligently to labour ' to preſerve an entire good ' correſpondence between the ' two houſes of parliament, and ' hinder the purſuing of pri- ' vate piques and animoſities; ' to take care of our trade, ' ſupport public credit, make ' good the deficiencies, and to ' have ſpecial regard to the ' royal navy. And ſo God ' proſper your undertakings."

That from the borough of Southwark gives ſo diſtinct and conciſe a recapitulation of the affairs of Europe, that it is more remarkable than the other.

" Gentlemen,

" It is notorious, that for " more than forty years the " French king hath affected " univerſal monarchy; that he " has conſtantly purſued the " ſame by all methods of vio- " lence, rapine, and injuſtice; " and that he has no otherwiſe " regarded his oaths, treaties, " and religion, than as ſo many " ſolemn cheats to catch and " inſnare all that have de- " pended on him.

" To inable himſelf to marry " the infanta of Spain, he, by " oath, renounced any title to " that crown for all the iſſue of " that marriage; yet he hath " made the invalidity of that " renunciation the ground- " work of every one of his " wars with the king of Spain.

" By the Pyrenean treaty, he " ſtipulated with that king to " give no aſſiſtance to his enemy " the king of Portugal; yet " preſently after diſpatched ſo " many troops to the aſſiſtance " of that prince, as reduced " the Spaniſh monarchy to a " degree of weakneſs, from " which it hath never ſince re- " covered.

" He lulled the Spaniards " aſleep with repeated promiſes " of friendſhip; and then, " without giving him any time " to prepare for his defence, " carried his conqueſts over the " greateſt part of Flanders, and " was prevented only by the " triple alliance of England, " Holland,

Will. III. 1701. The parliament being met, according to their ſummons, on the 30th of December, the king came to the houſe of peers,

The ſixth parliament opened, Dec. 30.

" Holland, and the king of " Sweden, from reducing of " the remainder of that pro- " vince.

" To the everlaſting diſho- " nour of the late king Charles " the Second, he diſengaged " that prince from ſo neceſſary " an alliance, and preſently af- " ter invaded the ſeven United " Provinces with all his forces; " and could give no better rea- " ſon for a bloody war, which " reduced thoſe flouriſhing ſtates " almoſt to utter ruin, than " that he had been ill ſatisfied " with their conduct.

" To break a powerful con- " federacy againſt him, he made " the peace of Nimeguen, by " which conceſſion was made " to him of almoſt all his con- " queſts in that war; and im- " mediately after invaded the " empire himſelf, to aſſiſt his " infidel confederate.

" The peace of Ryſwick gave " an end to that war, and a " balance to Europe, till the " French, by colour of a will " ſurreptitiouſly gained from " the late king of Spain, in fa- " vour of the duke of Anjou, " has poſſeſſed himſelf of the " Spaniſh monarchy, contrary " to his own renunciation and " the Pyrenean treaty. Flan- " ders and Milan he hath in- " veſted with his own troops, " while the duke of Anjou is " forced to govern the reſt of " that monarchy, as viceroy to " his grandfather, both to ob- " tain his ſupport, and for " fear of being excluded from " a better kingdom. He has " exalted himſelf upon this " good ſucceſs, and has al- " ready named a viceroy for " more countries, by giving the " title of his majeſty's kingdoms " to the pretended prince of " Wales. Our condition muſt " be very miſerable, if we are " to be governed by the diſcre- " tion of a king, who hath de- " ſtroyed the Proteſtants of his " own kingdom by the ſword, " fire, and gallies: We cannot " hope to be uſed with greater " tenderneſs than his own ſub- " jects.

" Nevertheleſs, we cannot " doubt but his repeated ill " ſucceſſes in Italy, the vaſt " debts of his crown, increaſed " by his prodigious expences " among his confederate prin- " ces, will oblige him to offer " a treaty, that he may ſave by " a peace, a conſiderable ſhare " of the Spaniſh monarchy, " rather than loſe the whole by " a war. And we had reaſon " to be afraid, that the diviſion " of the two houſes of parlia- " ment, the animoſities of thoſe " men, that have oppoſed the " Settlement, the Recognition " and Aſſociation, and the " great Authority of others, " who, in former reigns, had " always given countenance [illegible] " the French invaſion, might " oblige his majeſty to hearken " to ſuch a peace, as France " would pleaſe to give him.

" But we hope, gentlemen, " that the diſſolution of the par- " liament has put an end to " the

peers, and ſent for the commons, to whom the lord-keeper ſignified his majeſty's pleaſure, that they ſhould forthwith

Will. III. 1701.

" the diviſion of the two houſes; and we have that aſſurance of your integrity and moderation, that you will do nothing to revive the ſame diviſion. It is indeed very popular and very juſt to be ſevere with ſuch miniſters, as have betrayed the commonwealth. But, when the lords, ſo conſiderable a part of the legiſlative power, have eſpouſed the innocency of any perſon, we hope you will either give credit to their authority, or defer your reſentments during our common danger. We are aſſured, that you will neither join with the enemies of the king, nor with the advocates of France, to hang upon the wheels of the government.

" We beſeech you, gentlemen, not to be amuſed with the offers of any treaties from the French king; or, for the ſake thereof, to defer any ſupplies, that ſhall be convenient, before he ſhall have given intire ſatisfaction to the emperor for his right to the Spaniſh monarchy, and to his majeſty for the affront put upon him and his people, by giving the title of his kingdoms to the pretended prince of Wales. We hope you will be ready upon all occaſions to addreſs the king, that he will never enter into any treaty with France, which ſhall not effectually ſecure to his people their religion and commerce.

" We beſeech you, gentlemen, that, ſetting aſide all other buſineſs, you will be ſo early and ſo liberal in your ſupplies to his majeſty, to ſupport his great alliances, that France may have no hopes, nor her enemies any fears of the neutrality of England. That other princes, like thoſe of Savoy, Portugal, and Cologne, may not make ſeparate treaties for themſelves with the common enemy of Europe.

" We beſeech you, gentlemen, to be careful of the credit of the government, and to join your votes with ſuch as ſhall be for the moſt ſpeedy and moſt eaſy methods of raiſing money; that the blame of buying every thing for the king at exceſſive prices may not be caſt upon the miniſters, which has been moſt juſtly due to the diſtance or inſufficiency of thoſe funds, which parliaments have given.

" Above all, gentlemen, we conjure you to be moſt tender of the perſon of his majeſty; to endeavour, that no indignity may be offered to a prince born for the good of Europe; to diſtinguiſh between one that ſits upon his throne, and ſends generals abroad to make ſlaughters and deſolation among his neighbours, and a king, who has ſo liberally and ſo generouſly expoſed his life for the liberty of his country againſt this common enemy."

proceed

Will. III. 1701. proceed to the choice of a ſpeaker, and preſent him the next morning. The competition for that office lay between Mr. Robert Harley and Sir Thomas Littleton. The king and council inclined to Sir Thomas; but Mr. Harley was elected by a majority of fourteen voices. The king opened the parliament with the beſt ſpeech that he, or perhaps any other prince, ever made to his people (d).

" My lords and gentlemen,

The king's laſt ſpeech in parliament. Pr. H. C. III. 285.

" I Promiſe myſelf you are met together full of that juſt " ſenſe of the common danger of Europe, and the re- " ſentment of the late proceedings of the French king, which " has been ſo fully and univerſally expreſſed in the loyal and " ſeaſonable addreſſes of my people.

" The owning and ſetting up the pretended prince of " Wales for king of England, is not only the higheſt indig- " nity offered to me and the nation, but does ſo nearly con- " cern every man, who has a regard for the Proteſtant re- " ligion, or the preſent and future quiet and happineſs of " his country, that I need not preſs you to lay it ſeriouſly to " heart, and to conſider what further effectual means may " be uſed, for ſecuring the ſucceſſion of the crown in the " Proteſtant line, and extinguiſhing the hopes of all preten- " ders, and their open and ſecret abettors.

" By the French king's placing his grandſon on the throne " of Spain, he is in a condition to oppreſs the reſt of Eu- " rope, unleſs ſpeedy and effectual meaſures be taken. Un- " der this pretence, he is become the real maſter of the " whole Spaniſh monarchy; he has made it to be intirely " depending on France, and diſpoſes of it as of his own do- " minions, and by that means he has ſurrounded his neigh- " bours in ſuch a manner, that, though the name of peace " may be ſaid to continue, yet they are put to the expence " and inconveniencies of war.

" This muſt affect England in the neareſt and moſt ſen- " ſible manner, in reſpect to our trade, which will ſoon be- " come precarious in all the variable branches of it; in reſpect " to our peace and ſafety at home, which we cannot hope

(d) The lord Sommers is ſuppoſed to have aſſiſted in framing this ſpeech, which was ſo acceptable to the well-wiſhers to the revolution, and their friends abroad, that it was printed with decorations in Engliſh, Dutch, and French, and hung up in frames in almoſt every houſe in England and Holland, as his majeſty's laſt legacy to his own and all Proteſtant people.

" ſhould

" ſhould long continue; and in reſpect to that part which Will. III.
" England ought to take in the preſervation of the liberty of 1701.
" Europe.

" In order to obviate the general calamity, with which " the reſt of Chriſtendom is threatened by this exorbitant " power of France, I have concluded ſeveral alliances, ac- " cording to the encouragement given me by both houſes " of parliament, which I will direct ſhall be laid before you, " and which, I doubt not, you will inable me to make " good.

" There are ſome other treaties ſtill depending, that ſhall " be likewiſe communicated to you as ſoon as they are per- " fected.

" It is fit I ſhould tell you, the eyes of all Europe are " upon this parliament; all matters are at a ſtand, till your " reſolutions are known; and therefore no time ought to be " loſt.

" You have yet an opportunity, by God's bleſſing, to ſe- " cure to you and your poſterity the quiet enjoyment of " your religion and liberties, if you are not wanting to your- " ſelves, but will exert the ancient vigour of the Engliſh " nation; but I tell you plainly, my opinion is, if you do " not lay hold on this occaſion, you have no reaſon to hope " for another.

" In order to do your part, it will be neceſſary to have a " great ſtrength at ſea, and to provide for the ſecurity of our " ſhips in harbour; and alſo that there be ſuch a force at " land, as is expected in proportion to the forces of our al- " lies.

" Gentlemen of the houſe of commons,

" I do recommend theſe matters to you with that concern " and earneſtneſs, which their importance requires. At the " ſame time I cannot but preſs you to take care of the public " credit, which cannot be perſerved but by keeping ſacred " that maxim, That they ſhall never be loſers, who truſt to " a parliamentary ſecurity.

" It is always with regret, when I do aſk aids of my people; " but you will obſerve, that I deſire nothing which relates " to any perſonal expence of mine; I am only preſſing you " to do all you can for your own ſafety and honour, at ſo " critical and dangerous a time; and am willing, that what " is given, ſhould be wholly appropriated to the purpoſes for " which it is intended.

" And

Will. III. 1701. "And, ſince I am ſpeaking on this head, I think it proper to put you in mind, that, during the late war, I ordered the accounts to be laid yearly before the parliament, and alſo gave my aſſent to ſeveral bills for taking the public accounts, that my ſubjects might have the ſatisfaction to know, how the money given for the war was applied; and I am willing that matter may be put in any further way of examination, that it may appear, whether there were any miſapplications and miſmanagements; or whether the debt, that remains upon us, has really ariſen from the ſhortneſs of the ſupplies, or the deficiency of the funds.

"I have already told you, how neceſſary diſpatch will be for carrying on that great public buſineſs, whereon our ſafety, and all that is valuable to us depends. I hope, what time can be ſpared, will be employed about thoſe other very diſirable things, which I have ſo often recommended from the throne; I mean, the forming ſome good bills for employing the poor, for encouraging trade, and the further ſuppreſſion of vice.

"My lords and gentlemen,

"I hope you are come together determined to avoid all manner of diſputes and differences; and reſolved to act with a general and hearty concurrence for promoting the common cauſe, which alone can make this a happy ſeſſion.

"I ſhould think it as great a bleſſing as could befal England, if I could obſerve you as much inclined to lay aſide thoſe unhappy fatal animoſities, which divide and weaken you, as I am diſpoſed to make all my ſubjects ſafe and eaſy as to any, even the higheſt offences committed againſt me.

"Let me conjure you to diſappoint the only hopes of our enemies by your unanimity. I have ſhewn, and will always ſhew, how deſirous I am to be the common father of all my people. Do you, in like manner, lay aſide parties and diviſions. Let there be no other diſtinction heard of amongſt us for the future, but of thoſe who are for the Proteſtant religion, and the preſent eſtabliſhment, and of thoſe who mean a Popiſh prince, and a French government.

"I will only add this; if you do in good earneſt deſire to ſee England hold the balance of Europe, and to be indeed at the head of the Proteſtant intereſt, it will appear by your right improving the preſent opportunity."

This

This wiſe and affectionate ſpeech was extremely grateful to both houſes, and they were very unanimous in their thanks for it. The lords began the new year with expreſſing, "That "they had heard with all imaginable ſatisfaction his majeſty's "moſt gracious ſpeech, for which they returned their moſt "humble and hearty thanks. And though the ſeveral par- "ticulars, which his majeſty was pleaſed to recommend to "them, were of the higheſt importance, and they would "loſe no time in proceeding to the conſideration of them "with great duty to his majeſty; yet they could not defer "expreſſing their juſt reſentments of the proceedings of the "French king, in owning and ſetting up the pretended "prince of Wales for king of England, and other his ma- "jeſty's realms and dominions; which they took to be the "higheſt indignity, that could be offered to his ſacred majeſty "and this kingdom. And they aſſured his majeſty, they were "ſo ſenſible thereof, that they were reſolved to aſſiſt his ma- "jeſty to the utmoſt of their power in defending his ſacred "perſon and government from all attempts whatſoever, that "ſhould be made either from his open or ſecret enemies. "And, that no enemies to their religion and country might "ever hope to proſper in their attempts againſt them, when, "to their great unhappineſs, it ſhould pleaſe God to deprive "them of his majeſty's protection, they further declared their "reſolutions to aſſiſt and defend, to the utmoſt of their power, "againſt the pretended prince of Wales, and all other pre- "tenders whatſoever, every perſon and perſons, who had "right to ſucceed to the crown of theſe realms, by virtue of "the two acts of parliament, intitled, 'An act declaring the "rights and liberties of the ſubject, and ſettling the ſucceſſion "of the crown;' and, 'An act for the further limitation of "the crown, and better ſecuring the rights and liberties of "the ſubject.' And they concluded with their earneſt prayers "to Almighty God, for his majeſty's long and happy reign "over them."

Will. III. 1701-2.

The lords addreſs.

Their lordſhips ordered all ſuch as were willing, to ſign this addreſs, which was entered into their books. This was without precedent, and yet it was promoted by thoſe, who, as was thought, hoped, by ſo unuſual a practice, to prevent any further proceedings on that head. Burnet, p. 295.

To this addreſs his majeſty made this anſwer, "I heartily "thank you for your very ſeaſonable addreſs, and for all your "kind expreſſions of duty to me in it; and I recommend to "you to take into your ſpeedy conſideration the other matters "mentioned in my ſpeech, and doubt not but that your re-

Will. III. 1701-2. "ſolutions will be for the honour and ſafety of the king-dom."

The addreſs of the commons.

The commons likewiſe, on the 5th of January, "returned their moſt humble and hearty thanks to his majeſty for his moſt gracious ſpeech, and humbly craved leave to aſſure him, that they would ſupport and defend his lawful and rightful title to the crown of theſe realms, againſt the pretended prince of Wales, and all his open and ſecret abettors and adherents, and all other his majeſty's enemies whatſoever: and that they would inable him to ſhew his juſt reſentment of the affront and indignity offered to his majeſty and this nation by the French king, in taking upon him to declare the pretended prince of Wales king of England, Scotland and Ireland: And that they were firmly and unanimouſly reſolved to maintain and ſupport the ſucceſſion to the imperial crown of this realm, and the dominions and territories thereunto belonging, in the Proteſtant line, as the ſame was ſettled by an act, declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown, and further provided for by an act of the laſt parliament, intitled, 'An act for the further limitation of the crown,' &c. And they declared, that, for the better effecting the ſame, they would, to the utmoſt of their power, inable his majeſty to make good all thoſe alliances his majeſty had made or ſhould make, purſuant to the addreſſes and advices of his moſt dutiful and loyal commons of the laſt parliament, for the preſerving the liberties of Europe, and reducing the exorbitant power of France."

To this addreſs the king returned the following anſwer.

"Gentlemen,

"I give you hearty thanks for this addreſs, which I look upon as a good omen for the ſeſſion. The unanimity, with which it paſſed, adds greatly to the ſatisfaction I receive from it. So good a ſtep, at your firſt entrance upon buſineſs, cannot but raiſe the hopes of all who wiſh well to England and the common cauſe. I can deſire no more of you, than to proceed as you have begun; and I depend upon it: For, when I conſider how chearfully and univerſally you concurred in this addreſs, I cannot doubt but every one of you will ſincerely endeavour to make it effectual in all the parts of it."

The

The lords having taken into conſideration the dangerous ſtate of Europe, more eſpecially ariſing from the duke of Anjou's poſſeſſing the crown of Spain, which made in effect a conjunction with France, and ſo muſt inevitably overthrow the balance of power, unleſs timely prevented by ſtrong alliances of other ſtates and princes; the 6th of January preſented a ſecond addreſs to the king, wherein they made ſo true and ample a repreſentation of the French king's unjuſt and violent proceedings, that it greatly helped to confirm every one in their juſt abhorrence of them, and their zeal to have him reduced to reaſon (a). Will. III. 1701-2.

The lords ſecond addreſs.

To

(a) This addreſs was as follows:

"We your majeſty's loyal and dutiful ſubjects, the lords ſpiritual and temporal in parliament aſſembled, are highly ſenſible of what we owe to Almighty God for the great deliverance he hath wrought for us by your majeſty. We are highly ſenſible of his mercies in preſerving you hitherto in ſo many public and private dangers, to which your ſacred perſon hath been expoſed; and we hope the ſame Providence will carry your majeſty through the great work, which ſeems reſerved for you, the reducing the exorbitant power of France, and maintaining the balance of Europe.

All true Engliſhmen, ſince the decay of the Spaniſh monarchy, have ever taken it for granted, that the ſecurity of their religion, liberty and property, that their honour, their wealth and their trade, depend chiefly upon the proper meaſures to be taken from time to time in parliament againſt the growing power of France. But it is their peculiar bleſſing in your majeſty's reign, to have a prince upon the throne, who not only agrees with them in this opinion, but who, in the frequent parliaments aſſembled, is ever reminding them of this their greateſt concern; and who, to compleat their happineſs, is always ready, with the hazard of his perſon, to ſupport his ſubjects and allies, againſt their common enemy.

And we eſteem it a further good fortune, in the time of public danger, that the French king has taken thoſe meaſures, which will make it impoſſible for him to impoſe any more upon the world by treaties ſo often violated. Neither can he hope any longer to cover his ambitious deſigns, or juſtify his uſurpations under the ſpecious pretences of peace.

Your majeſty has ſo juſtly repreſented the danger to which Europe is expoſed by the French king's placing his grandſon on the throne of Spain; your majeſty is ſo juſtly ſenſible, that under that pretence he is become abſolute maſter of the whole Spaniſh monarchy; and we are ſo well apprized of the dangerous conſequence of this bold attempt, that we think it

Will. III. 1701-2. To bring the houſe of commons into more effectual meaſures for eſpouſing and ſupporting the cauſe of a new war, the king commanded Mr. ſecretary Vernon to lay before them the copies of the treaties of the grand alliance, viz. 1. The treaty between himſelf, king of Denmark, and the States-general, June 15, 1701. 2. The ſecret articles of that treaty. 3. The treaty between the emperor, his majeſty, and the States-general, Sept. 7, 1701. 4. A convention between his majeſty, the king of Sweden, and the States-general, Sept. 26, 1701. 5. The treaty between his majeſty and the States-general, Novemb. 11, 1701. All which were ſo well approved, that the houſe immediately reſolved, that a ſupply be granted to his majeſty; and that whoever ſhould advance or lend to his majeſty's Exchequer

State of affairs laid before the commons.

Their reſolutions. Pr. H. C. III, 187.

moſt proper to aſſure your majeſty in your own words, that we are under the higheſt impatience, that ſpeedy and effectual meaſures may be taken againſt the undoubted ambition of the French king.

And as the placing his grandſon upon the throne of Spain, is, viſibly to the whole world, the cauſe of all thoſe dangers mentioned in your majeſty's ſpeech, and of the breech of the balance of power of Europe, which the people of England are ſo deeply engaged to preſerve; ſo we humbly conceive the remedy is as apparent as the diſeaſe; and that your majeſty, your ſubjects, and allies, can never be ſafe and ſecure, till the houſe of Auſtria be reſtored to their rights, and the invader of the Spaniſh monarchy brought to reaſon.

To conclude, Sir, as we humbly addreſſed to your majeſty laſt parliament, to enter into alliances with the emperor, the States of Holland, and other princes and ſtates, willing to unite againſt the power of France; ſo we take the liberty at this time to aſſure you, we are willing and zealous to lay hold of this opportunity, which the bleſſing of God, and your majeſty's care have put into our hands; reſolving to make our utmoſt efforts for our own ſecurity, and the ſupport of our allies; deſiring of your majeſty to reſt aſſured, that no time ſhall be loſt, nor any thing wanting on our part, which may anſwer the reaſonable expectations of our friends abroad; not doubting but to ſupport the reputation of the Engliſh name, when engaged under ſo great a prince in the glorious cauſe of maintaining the liberty of Europe."

His majeſty, in anſwer to this addreſs, declared, "That he was extremely pleaſed to find the juſt ſentiments their lordſhips had of the preſent ſtate of affairs, and their readineſs to do their part in this great conjuncture; and he hoped, that their joint endeavours would be ſucceſsful for reſtoring the balance of Europe, and eſtabliſhing the common ſecurity."

the

the ſum of ſix hundred thouſand pounds, for the ſervice of the fleet, ſhould be repaid the ſame, with intereſt at ſix per cent. out of the firſt aids to be granted this ſeſſion: And that whoſoever ſhould advance the further ſum of fifty thouſand pounds, for the ſubſiſtence of the guards and garriſons, ſhould be repaid in like manner. Will. III. 1701-2.

They then took the ſtate of the navy into conſideration, and ordered the commiſſioners of the admiralty to lay before that houſe a ſtate of the fleet, and condition of each reſpective ſhip, and place where they are; with a ſtate of the debt of the navy, and an eſtimate of what was neceſſary for the extra repairs of it. And, to encourage the people with the hopes of making good all former deficiencies, they ordered an account of the debts of the nation, unprovided for, both principal and intereſt, to be laid before them. And further, to juſtify the diſpoſal of public funds, they ordered the ſpeaker to write to two of the truſtees for the forfeited eſtates in Ireland to attend the houſe, and lay before them a full acount of their proceedings in execution of that act. But what gave the greateſt vigour to a war abroad and unity at home, was, that on the 9th of January they reſolved unanimouſly, that leave be given to bring in a bill, for ſecuring of his majeſty's perſon, and the ſucceſſion of the crown in the Proteſtant line, and extinguiſhing the hopes of the pretended prince of Wales, and all other pretenders, and their open and ſecret abettors. And the next day they further reſolved, that an humble addreſs be preſented to his majeſty, that he would be graciouſly pleaſed to take care, that it be an article in the ſeveral treaties of alliance between his majeſty and other potentates, that, 'no peace ſhall be made with France, until his majeſty and 'the nation have reparation for the great indignity offered by 'the French king, in owning and declaring the pretended 'prince of Wales, king of England, Scotland, and Ireland.' They agreed at the ſame time, "That the proportion of land-"forces to act in conjunction with the forces of the allies, "for making good the alliances, be forty thouſand men, "and forty thouſand more for ſea-ſervice." Theſe were the numbers the king by the alliances was obliged to furniſh, and all was conſented to in every particular; though ſome angry men ſhewed much rancour againſt the king, and tried to croſs every thing that was propoſed, both as to the quotas of the troops, and as to the ſtrength of the fleet.

The commons began a bill for the attainder of the pretended prince of Wales, to which, though it could not be oppoſed, much leſs ſtopped, many ſhewed a coldneſs, and abſented

The pretended prince of Wales is attainted.

Will. III. 1701-2. abſented themſelves on the days on which it was ordered to be read. It was ſent up to the lords, and paſſed that houſe on the 20th of February, with an addition of an attainder of the queen, who acted as queen regent for him. This was much oppoſed; for no evidence could be brought to prove the allegation; but the fact was ſo notorious, that it paſſed, and the bill was ſent down again to the commons. It was excepted to there as not regular, ſince but one precedent in king Henry VIII's time was brought for it; and in that the commons had added ſome names, by a clauſe in a bill of attainder ſent down to them by the lords; and as this was a ſingle precedent, ſo it ſeemed to be a hard one. For, attainders by bill being the greateſt rigours of the law, the ſtretching of that ought to be avoided. It was therefore thought more proper to attaint her by a bill apart than by a clauſe in another bill, to which the lords agreed, and ſo the bill againſt the pretended prince of Wales paſſed. The lords alſo paſſed a new bill, attainting the queen, but that was let ſleep in the houſe of commons.

An act for abjuring him.

The matter, that occaſioned the longeſt and warmeſt debates in both houſes, was an act for abjuring the pretended prince of Wales, and for ſwearing to the king, by the title of 'rightful' and 'lawful' king, and his heirs, according to the act of ſettlement. This was begun in the houſe of lords, and the firſt deſign was that the oath ſhould be voluntary, it being only to be tendered to all perſons, and their ſubſcription or refuſal to be recorded, without any other penalty. This was vehemently oppoſed by all the Tory party, at the head of whom the earl of Nottingham ſet himſelf. Thoſe who argued againſt it, ſaid, that this government was firſt ſettled with another oath, which was like an original contract, and that it was unjuſt and unreaſonable to offer a new one. There was no need of new oaths, as there was no new ſtrength got by them. Oaths relating to [illegible] opinions had been always looked upon as ſevere impoſitions. A voluntary oath ſeemed to be by its nature unlawful; for we cannot ſwear lawfully, unleſs we are required to do it. To all this it was anſwered, that in ancient time the oath of allegiance was ſhort and ſimple, becauſe then it was not thought, that princes had any right other than what was conveyed to them by law. But of late, and indeed very lately, new opinions had been ſtarted of a divine right, with which former times were not acquainted; ſo that it was neceſſary to know, who among us adhered to theſe opinions. The preſent government was begun upon a comprehenſive foot, it being

being hoped, that all parties might have been brought to concur in ſupporting it. But the effects had not anſwered expectation: Diſtinctions had been made between a king 'de jure' and a king 'de facto'; by which men plainly declared, with whom they believed the right was lodged. This opinion muſt, whenever that right comes to be claimed, oblige thoſe who hold it to adhere to ſuch claimants. It ſeemed therefore in ſome ſort neceſſary, that the government ſhould know on whom it might depend. The diſcrimination made by ſuch a teſt, was to be without compulſion or penalty; no hardſhip was put on any perſon by it. Thoſe who refuſed to give this ſecurity, would ſee what juſt cauſe of jealouſy they gave, and would thereby be obliged to behave themſelves decently and with due caution. When a government tendered an oath, though under no penalty, that was a ſufficient authority for all to take it, who were ſatisfied with the ſubſtance of it. While therefore there was ſo great a power beyond ſea, that eſpouſed ſo openly the pretenſions of this young man, and while there were juſt grounds to ſuſpect, that many at home favoured him, it ſeemed very reaſonable to offer a method, by which it ſhould appear, who obeyed the preſent government from a principle, believing it lawful, and who ſubmitted only to it as to a proſperous uſurpation. About twenty lords perſiſted in their oppoſition to this bill, thoſe who were for it being thrice that number. But in the houſe of commons, when it appeared how the lords were inclined, they reſoved to bring in a bill that ſhould oblige all perſons to take this abjuration. It was drawn by Sir Charles Hedges. All employments in church and ſtate were to be ſubject to it. Some things were added to the abjuration, ſuch as an obligation to maintain the government in king, lords and commons, and to maintain the Church of England, together with the toleration of Diſſenters. Mr. Finch offered an alteration to the clauſe abjuring the prince of Wales, ſo that it imported only an obligation not to aſſiſt him; but, though he preſſed this with unuſual vehemence in a debate that he reſumed ſeventeen times in one ſeſſion, againſt all rules, he had few to ſecond him in it. The debate, whether the oath ſhould be impoſed or left free, held longer. It was carried but by one vote to impoſe it. The party choſe that, rather than have it left free; for they reckoned, that the taking an oath, which was impoſed, was a part of their ſubmiſſion to the uſurpation; but the taking any oath, which ſtrengthened the government, of their own accord, did not ſuit with their other principles. But, to help the matter with

Will. III. 1701-2.

Will. III. 1701-2. a ſhew of zeal, they made the clauſe, which impoſed it, very extenſive, ſo that it comprehended all clergymen, fellows of colleges, ſchool-maſters, and private tutors. The clauſe of maintaining the government in king, lords, and commons, was rejected with great indignation, ſince the government was only in the king; the lords and commons being indeed a part of the conſtitution, and of the legiſlative body, but not of the government. This was a direct republican notion, and uſed to be condemned as ſuch by the ſame perſons who now preſſed it. It was further ſaid, that, if it appeared, that our conſtitution was in danger, it might be reaſonable to ſecure it by an act and oath apart; but ſince the ſingle point that required this abjuration, was the French king's declaring, that the pretended prince of Wales was king of England, it was not fit to join matters foreign to that in this oath. Upon the ſame reaſon, the clauſe in favour of the Church, and of the Toleration were alſo laid aſide. The deſign of this act was to diſcover to all, both at home and abroad, how unanimouſly the nation concurred in abjuring the pretended prince of Wales. But here was a clauſe to one part of which (the maintaining the church) the Diſſenters could not ſwear; and even the more moderate men of the Church, who approved well of the toleration, yet might think it too much to ſwear to maintain it, ſince it was reaſonable to oblige the Diſſenters to uſe their liberty modeſtly, by keeping them under the apprehenſion of having it taken away, if it was abuſed by them. One addition was offered to make it equally penal to compaſs or imagine the death of her royal highneſs the princeſs Anne of Denmark, as it is to compaſs or imagine the death of the king's eldeſt ſon and heir, which was admitted without any debate or ſhadow of oppoſition. The Tories pretended great zeal for her highneſs, and gave it out, that there was a deſign to ſet her aſide, and to have the houſe of Hanover to ſucceed the king immediately; though it could never be made appear, that any motion of this kind had ever been either made or debated, even in private diſcourſe, by any of the whole Whig party. Great endeavours were uſed, and not altogether without effect, to infuſe this jealouſy into the princeſs, and into all about her, not without inſinuations that the king himſelf was inclined to it. When this clauſe was offered, its being without a precedent gave handle enough to oppoſe it; yet there was not one word ſaid in oppoſition to it in either houſe, all agreeing heartily in it. This ought to have put an end to the ſuſpicion;

picion; but ſurmiſes of that kind, when raiſed on deſign, are not ſoon parted with. Will. III. 1701-2.

The commons, after a long delay, ſent up the bill for abjuring the pretended prince of Wales. In the houſe of lords the Tories oppoſed it all they poſſibly could; and, as it was a new bill, the debate was intirely open. They firſt moved for a clauſe, excuſing the peers from it. If this had been received, the bill would have been certainly loſt, for the commons would never have yielded to it. When this was rejected, they tried to bring it back to be voluntary. This motion was thought a ſtrange inconſiſtency in thoſe, who had argued againſt even the lawfulneſs of a voluntary oath; but it was viſible, that they intended by it only to loſe or at leaſt to delay the bill. When this was over-ruled by the houſe, not without a mixture of indignation in ſome againſt the movers, they offered next all thoſe clauſes, which had been rejected in the houſe of commons, with ſome other very ſtrange additions, by which they diſcovered both great weakneſs and an inveterate rancour againſt the government; but all the oppoſition ended in a proteſt of ſeveral peers againſt the bill, when it paſſed on the 24th of February (b).

The

(b) This proteſt was as follows. 1. We conceive that no new oath ſhould be impoſed upon the ſubject, foraſmuch as thoſe, eſtabliſhed by an act made in the firſt year of the reign of his majeſty and the late queen Mary, were, together with our rights and liberties, aſcertained in that act under the terms of our Submiſſion to his majeſty, [illegible] were enacted to ſtand, remain, and be the law of this realm for ever; and which, we conceive, do comprehend and neceſſarily imply [illegible] duty and allegiance of the ſubject to their lawful king.

2. And much leſs ſhould any new oath be impoſed upon the lords, with ſuch a penalty as to loſe their ſeats in parliament, upon their refuſing it; ſuch a penalty being, in ſome meaſure, an intrenchment upon our conſtitution, and expreſsly contrary to the ſtanding order of this houſe made the 30th day of April 1675.

3. And, if ſuch an infringement of the rights of peers might be admitted, yet, in a matter of ſo great importance to all the peers, we conceive, that in juſtice they ſhould all have had notice of this matter, and been eſpecially ſummoned to have attended the houſe upon ſo great an occaſion; which has not been done, though it was moved and humbly deſired on behalf of the abſent lords.

4. And if any further evidence of the ſubjects fidelity were, at this time, neceſſary to be required, we conceive a new oath is no ſuch evidence, nor any additional ſecurity to the go-

Will. III. 1701-2. The public intereſt was now ſo viſible, and the concurrent ſenſe of the nation ran ſo vehemently for a war, that even thoſe, who were moſt averſe to it, found it convenient to put on the appearance of zeal for it. The city of London was more united than it had been at any time during this reign; for the two companies that traded to the Eaſt-Indies, ſaw, that their common intereſt required they ſhould come to an agreement; and, though men of ill deſigns did all they could to obſtruct it, yet in concluſion it was happily effected. This made the body of the city, which was formerly much divided between the two companies, fall now into the ſame meaſures. But thoſe, who intended to defeat all this good beginning of the ſeſſion, and to raiſe a new flame, ſet on debates, that muſt have embroiled all again, if they had ſucceeded in their deſigns. They began with com-

All for war. The two India companies united.

government; becauſe thoſe who have kept the oaths, which they have already taken, ought in juſtice to be eſteemed good ſubjects; and thoſe who have broken them, will make no ſcruple of taking or breaking any others, that ſhall be required of them. And conſequently this new oath may be of dangerous and pernicious conſequence to the government, by admitting ſuch ill men, who do not fear an oath, into the greateſt truſts, and who, under the ſpecious pretence and protection of this new oath, which is to free them from ſuſpicion, will have greater opportunities of betraying their king and their country.

5. If a new oath were neceſſary, as we conceive it is not, yet the words of this oath are ſo very ambiguous, and have been ſo differently conſtrued by ſeveral lords, who have declared their ſenſe of them, that this may become a ſnare to men's conſciences, or tend to overthrow the obligation of an oath, by allowing men liberty to take it in their own ſenſe; whereas this, as all other oaths, ought to be taken in the ſenſe of the impoſer, which hath not been declared in this caſe, though we earneſtly preſſed it, and though it has been done in other caſes of the like nature.

6. And we conceive, that it neceſſarily follows from hence, that this oath can be no bond of union among thoſe, who do take it; nor any true mark of diſtinction between the friends and the enemies of this government; and therefore repugnant to the very nature of a teſt.

Winchelſea,
Denbigh,
Guilford,
Craven,
Weymouth,
Plymouth,
Nottingham
Scarſdale,
Stawell,
Jeffreys.

Pr. H. L. II. 34.

plaints

plaints of ſome petitions and addreſſes, that had reflected on the proceedings of the laſt houſe of commons, and particularly of the Kentiſh petition (c). However, it was carried againſt them, that it was the undoubted right of the people of England to petition or addreſs to the king, for the calling, ſitting, or diſſolving of parliaments, and for the redreſſing of grievances: And that every ſubject, under any accuſation, either by impeachment or otherwiſe, had a right to be brought to a ſpeedy trial. Not diſcouraged at this, they went on to complain, that the lords had denied them juſtice in the matter of the late impeachments. This bore a long and hot debate in a very full houſe: But it was carried, though by a ſmall majority, that juſtice had not been denied them. After this, the party gave over any farther ſtruggling, and things were carried on with more unanimity. Will. III. 1701-2.

The houſe had a multiplicity of other buſineſs before them; as the produce of the cuſtoms; the Quakers bill; the more effectual puniſhing of vagrants; the number, and charge, and condition of the forces to be filled up and raiſed

(c) In the controverted election at Maidſtone, between Thomas Bliſſe and Thomas Culpepper, Eſquires, it was reſolved, That the latter had been not only guilty of corrupt, ſcandalous and indirect practices, in endeavouring to procure himſelf to be elected a burgeſs, but likewiſe, being one of the inſtruments in promoting and preſenting the 'ſcandalous, infolent, and ſeditious petition,' commonly called, 'the Kentiſh 'petition,' to the laſt houſe of commons, was guilty of promoting a ſcandalous, villainous, and groundleſs reflection upon that houſe, by aſperſing the members with receiving French money, or being in the intereſt of France; for which offence he was ordered to be committed to Newgate, and to be proſecuted by his majeſty's attorney-general. The houſe alſo reſolved on the 26th of February, 1. That, agreeable to the opinion of a committee appointed to conſider of the rights, liberties, and privileges of their houſe, to aſſert, that the houſe of commons is not the only repreſentative of the commons of England, tends to the ſubverſion of the rights and privileges of the houſe of commons, and the fundamental conſtitution of the government of this kingdom. 2. That to aſſert, that the houſe of commons have no power of commitment, but of their own members, tends to the ſubverſion of the conſtitution of the houſe of commons. 3. That to print or publiſh any books or libels, reflecting upon the proceedings of the houſe of commons, or any member thereof, for or relating to his ſervice therein, is a high violation of the rights and privileges of the houſe of commons. Pr. H. C. III. 188.

for

Will. III. 1701-2. for ſea and land; the affair of the abuſes committed in the king's brew-houſe at St. Catharine's; the apothecaries bill; the care of regulating collections; the examination of ſtories related by William Fuller, the impoſtor; and of a letter ſent to the ſpeaker from one Dr. Stringer, pretending the diſcovery of a plot againſt the government; with other intervening affairs; notwithſtanding which, the houſe proceeded vigorouſly in the more important buſineſs of the nation; for, on the 3d of February, they reſolved, that a ſum not exceeding three hundred and fifty-two thouſand pounds be granted to his majeſty, for the maintaining of guards and garriſons, and for providing for officers upon half-pay. And, to quicken the allies, as well as to ſupport the king, they reſolved at the ſame time, "That an humble addreſs be preſented to his majeſty, that he would be graciouſly pleaſed "to interpoſe with his allies, that they may increaſe their "quotas of land-forces to be put on board the fleet, in proportion to the numbers his majeſty ſhall have on board his "fleet." To which his majeſty anſwered, "That he would "do it." When they had ſettled the ſums appropriated to the ſeveral uſes of the war, they agreed, on the 7th of February, to another addreſs to the king, "That he would "provide for the half-pay officers in the firſt place, in the "recruits and levies to be now made." To which he anſwered, "That it was always his intention."

His majeſty, to encourage the diſpatch of public affairs, came to the houſe of peers, and gave the royal aſſent to a bill, which had miſcarried in the laſt parliament, intitled, "An "act for the appointing commiſſioners, to take, examine, "and determine the debts due to the army, navy, and the "tranſport-ſervice, and alſo an account of prizes taken during the war."

Advancements and removals.

Before this, the king had thought proper to make ſeveral advancements and removals; Charles, earl of Carliſle, was appointed firſt lord commiſſioner of the treaſury, in the room of the lord Godolphin; and the earl of Radnor was ſworn of the privy-council, as was the earl of Burlington. The earl of Manchester was made one of the ſecretaries of ſtate, in the room of Sir Charles Hedges; the earl of Pembroke was declared lord-high-admiral, while the duke of Somerſet ſucceeded him as lord-preſident of the privy-council.

The king's projects.

The king had likewiſe framed a ſcheme to reduce the exorbitant power of France. He had, before he left Holland, concerted meaſures with the Pruſſian and Dutch generals for the ſiege of Keyſerſwaert, a place, which the elector of Cologne

Cologne had put into the hands of the French. The elector of Hanover was at the ſame time to fall on and diſarm the princes of Wolfembuttle, who, in the heart of the Empire, had raiſed troops with French money, and ſent for a general of that nation to command them. The king of the Romans and prince Lewis of Baden were to beſiege Landau; and the emperor had engaged to ſend a powerful ſupply to prince Eugene, to enable him to attack in form the city of Mantua, which he kept cloſely blocked up, and the conqueſt of which muſt, very probably, be attended with the total ruin of the French intereſt in Italy. Beſides theſe deſigns, his majeſty was now laying another, both more glorious in the execution, and extenſive in its conſequences, with the prince of d'Armſtadt and the duke of Ormond, and that was, the beſieging Cadiz both by ſea and land; upon the taking of which place, the prince of d'Armſtadt had aſſured the king, that the admiral of Caſtile, and ſeveral other Grandees of Spain, with all their dependants, would declare for the houſe of Auſtria. The three firſt of theſe projects were ſucceſsfully executed, but the other two miſcarried, as will be ſeen in their proper places. Will. III. 1701-2.

Soon after this ſeſſion was opened, the earl of Rocheſter wrote to the king, and aſked leave to come over; which was ſoon granted him: But, when he ſignified this to the council of Ireland, the whole board joined in a requeſt to him, that he would lay before the king the great grievances under which the whole kingdom lay, by the proceedings of the truſtees for the forfeited eſtates, who ſtretched the authority which the law gave them, in many inſtances, to the oppreſſing of the nation. The earl ſeemed uneaſy at the motion, but promiſed to lay it before the king, which he did at his coming over. Soon after that, petitions were ſent round all the counties of Ireland, and ſigned by many, repreſenting both the the hardſhips of the act, and the ſevere methods taken by the truſtees in executing it. It was thought, that all this was ſet on ſecretly by the court, in hope that ſome temper might be found in that matter, ſo that the king's grants might again take place in whole or in part. The houſe of commons was moved to proceed ſeverely againſt the promoters of theſe petitions; yet the complaining of grievances had been ſo often aſſerted to be a right of the ſubject, that this was let fall. But, ſince no perſon appeared to juſtify the facts ſet forth or ſuggeſted in thoſe petitions, they were voted falſe and ſcandalous; and this ſtopped a further progreſs in that method. The heat, with which that act had been carried, Affairs in Ireland. Burnet.

Will. III. 1701-2.

carried, was now much qualified; and, the truſtees having adjudged ſo many claims in favour of Iriſh Papiſts, ſhewing too manifeſt a partiality for them, and having now ſat two years, in which they had conſumed all the rents, that aroſe out of the confiſcated eſtates, the houſe was applied to for their interpoſition, by many petitions relating to that matter. This was the more neceſſary, becauſe, as has been related, when that act was paſſing, they had made a vote againſt receiving any petition relating to it. The thing had now loſt much of the credit and value that was ſet upon it at firſt; and, though the ſame party ſtill oppoſed the receiving any petitions, yet the current was now ſo ſtrong the other way, that they were all received, and in a great many caſes juſtice was done, yet with a manifeſt partiality in favour of Papiſts; it being a maxim among all who favoured king James's intereſts, to ſerve Papiſts, eſpecially thoſe whoſe eſtates were confiſcated for adhering to him. One motion was carried, not without difficulty, in favour of thoſe who had purchaſed under the grantees, and had made great improvements, that they ſhould be admitted to purchaſe, with an abatement of two years value of the eſtates. The earl of Athlone, whoſe caſe was very ſingular, having ſold his grant to men, who had reaſon to think they had purchaſed under a ſecure title, a ſpecial clauſe was offered in their favour; but the party had ſtudied ſo far to inflame the nation againſt the Dutch, that in this the votes were equal, and, the ſpeaker's vote being to turn the matter, he gave it againſt the purchaſers. Many bills were brought in, relating to Iriſh forfeitures, which took up the greateſt part of this ſeſſion.

The king's letter for an union with Scotland. Feb. 23. Pr. H. C. III. 189.

The king being very ſenſible, that the Proteſtant ſucceſſion would not be ſo eaſily ſettled in Scotland, where it might be retarded, on purpoſe for a claim to an independence on the crown of England, and that nothing was more ſeaſonable at this juncture, than an union of the two kingdoms, wrote the following letter to the houſe of commons, being diſabled from coming to the houſe of peers by a fall from his horſe two days before:

William R.

"HIS majeſty, being at preſent hindered by an unhappy accident from coming in perſon to his parliament, is pleaſed to ſignify to the houſe of commons, by meſſage what he deſigned to have ſpoken to both houſes from the throne. His majeſty, in the firſt year of his reign, did acquaint the parliament, that commiſſioners

"were

" were authorized in Scotland to treat with ſuch commiſ- Will. III.
" ſioners, as ſhould be appointed in England, of proper 1701-2.
" terms for uniting the two kingdoms, and at the ſame time
" expreſſed his great deſire of ſuch an union. His majeſty is ſul-
" ly ſatisfied, that nothing can contribute more to the preſent
" and future ſecurity and happineſs of England and Scotland,
" than a firm and intire union between them; and he can-
" not but hope, that, upon a due conſideration of our pre-
" ſent circumſtances, there will be found a general diſpoſi-
" tion to this union. His majeſty would eſteem it a peculiar
" felicity, if, during his reign, ſome happy expedient for
" making both kingdoms one, might take place; and is
" therefore extremely deſirous, that a treaty for that purpoſe
" might be ſet on foot; and does, in the moſt earneſt man-
" ner, recommend this affair to the conſideration of the
" houſe."

The occaſion of this letter. Burnet.

The immediate occaſion of this meſſage was a motion, which the earl of Nottingham had made in the houſe of lords, when the act of abjuration was agreed to; who ſaid, that though he had differed from the majority of the houſe in many particulars relating to it, yet he was ſuch a friend to the deſign of the act, that, in order to the ſecuring a Proteſtant ſucceſſion, he thought an union of the whole iſland was very neceſſary; and that therefore they ſhould conſider how both kingdoms might be united. But in order to this, and previous to it, he moved, that an addreſs ſhould be made to the king, that he would be pleaſed to diſſolve the parliament now ſitting in Scotland, and to call a new one, ſince the preſent parliament was firſt a convention, and then turned into a parliament, and was continued ever ſince, ſo that the legality of it might be called in queſtion; and it was neceſſary, that ſo important a thing as the union of both kingdoms ſhould be treated in a parliament, againſt the conſtitution of which no exception could lie. This motion was warmly oppoſed; for that nation was then in ſuch a ferment, that the calling a new parliament would have been probably attended with bad conſequence: For which reaſon that project was let fall, and no progreſs made upon the king's meſſage.

The king's illneſs and fall from his horſe. Burnet.

The king ſeemed all this winter in a fair way of recovery: he had made the royal apartments in Hampton-court very noble; and he was ſo much pleaſed with the place, that he went thither once a week, and rode often about the park. But on the 21ſt of February riding from Kenſington, as he

was

Will. III. 1701-2. was putting his horſe to the gallop, the horſe fell, and he, being then very feeble, fell off, and broke his right collar-bone. Upon this accident, he was carried to Hampton-court, where the bone was ſet by monſieur Ronjat, ſerjeant-ſurgeon to the king, who, having felt his pulſe, told him, that he was feveriſh, and that any other perſon in his condition would be let blood. The king anſwered, as for that, he had now and then had a head-ach, and ſome ſhivering fits for a fortnight paſt, and had that very morning a pain in his head before he went out a hunting. In the afternoon the king finding himſelf eaſy, contrary to advice, returned to Kenſington, and ſlept almoſt all the way in his coach. He came to Kenſington about nine at night, with his right arm tied up, and, as he entered the great bed-chamber, he ſaw Dr. Bidloo, to whom he ſaid, "I have got a hurt in my "arm; pray come and ſee it:" And ſoon after added to this effect: "I was riding in the park at noon, and while I "endeavoued to make the horſe change his walking into a "gallop, he fell upon his knees. Upon that I meant to "raiſe him with the bridle; but he fell forwards on one ſide, "and ſo I fell with my right ſhoulder upon the ground. It "is a ſtrange thing, for it happened upon a ſmooth level "ground. Ronjat ſays, there is a little bone broken, and "indeed I feel ſome pain towards my back." At the ſame time he pointed with his left hand to the ſhoulder-blade, ſaying, 'There, there.' Dr. Bidloo, finding his pulſe in good order, diſſuaded him from bleeding; and, after viewing the affected part, told him, that the right channel-bone was broke obliquely, a little below its juncture with the ſhoulder-blade. Then the king aſked, If it was well ſet? And the doctor anſwering, No, he ſaid to Ronjat, "Juſtify your-"ſelf, monſieur Ronjat, is it well ſet?" Ronjat replied, "It was well ſet; but that the jolting of the coach, and the "looſening of the bandage, had occaſioned a diſunion." After the fracture was taken care of, the king went to bed, and ſlept the whole night ſo ſoundly, that the gentlemen, who ſat up with him, ſaid, they did not hear him complain ſo much as once.

The king ſeemed in a fair way of doing well till March the 1ſt, a defluxion fell upon his knee, which was a great pain and weakneſs to him, and thought to be a very ill ſymptom. He took it as a warning for the diſpatch of public affairs, and therefore the next morning this meſſage was ſent from the houſe of peers to the commons:

"Mr.

" Mr. Speaker,

" The king hath granted a commiſſion under the great " ſeal for paſſing the royal aſſent to thoſe bills, which have " been agreed to by both houſes of parliament; and, the " lords commiſſioned by the king, do deſire, that this houſe " would preſently come up with their ſpeaker, to be preſent " at the paſſing thereof." Then the ſpeaker, with the houſe, went up, and the lord-keeper acquainted both houſes, that his majeſty, by an unhappy accident, had been prevented from coming in perſon, and had granted a commiſſion to ſeveral peers for paſſing the bills therein mentioned; and then the royal aſſent was given by commiſſion to theſe and ſome other bills:

" An act for the attainder of the pretended prince of " Wales of high treaſon.

" An act that the ſolemn affirmation and declaration of " the people, called quakers, ſhall be accepted, inſtead of " an oath in the uſual form."

On the 3d of March, the king had a ſhort fit of an ague, which he regarded ſo little, that he ſaid nothing of it; and the next day he ſeemed ſo well recovered of the lameneſs in his knee, that he took ſeveral turns in the gallery at Kenſington; but at length finding himſelf tired and faint, he ſat down on a couch, and fell aſleep, which probably occaſioned that ſhivering fit, which ſoon after ſeized him, and which turned to a fever, accompanied with vomiting and a looſeneſs. Upon this, the king thought proper to ſend for Sir Thomas Millington, who attended him to the laſt moment; as did alſo Sir Richard Blackmore, Dr. Hutton, Dr. Hannes, Dr. Brown, Dr. Laurence, Sir Theodore Colladon, Dr. Bidloo, and others of that faculty, who adminiſtered ſeveral remedies to him, that gave him great relief. He continued indifferently well till the 5th, when his vomiting and looſeneſs returned ſo violent upon him, that he refuſed to take any ſuſtenance till two o'clock the next morning, when he drank a cup of chocolate, and ſoon after took a ſleeping draught, which had that good effect, that he reſted for three hours after. In the forenoon he took ſome broth and a cordial, and found himſelf ſomewhat eaſier, though exceſſively weak. His mind was ſo fixed upon the public intereſt, that he immediately ordered another commiſſion for paſſing the malt and abjuration bills, that were ready for his aſſent; and, becauſe he was now ſo weak, that he could not write his own name, a ſtamp was prepared, for his ſigning the commiſſion, which,

Will. III. 1701-2. according to form, must be signed by the king, in the presence of the lord-keeper and the clerks of the parliament. They came to the king when his fit began, and staid some hours before they were admitted. In the mean while, some of the house of commons moved for an adjournment, though the lords had sent to desire them not to adjourn for some time. By this means the party hoped, that the bill of abjuration would be lost. But, as it was contrary to all rules to adjourn, when such a message was sent to them by the lords, they waited till the king had signed the commission, by which the royal assent was given to the abjuration-bill in the last day of the king's life (a).

On the same day, about five in the morning, the earl of Albemarle, who had been sent over to Holland to put things in readiness for an early campaign, arrived at Kensington, and immediately went to wait upon the king, who, being willing at that time to be retired, bid him go and take some rest, and come to him some hours after. The earl attended accordingly, and gave so good an account of the posture of affairs in Holland, that, if matters of that kind could have wrought on the king, it must have revived him; but the coldness, with which he received it, shewed how little hopes were left. Soon after he said, 'Je tire vers ma fin, (I draw towards my end.)'

In the evening an extraordinary council was called, before whom the physicians appeared frequently; and at last acquainted them by Sir Thomas Millington, that all their hopes under God, depended upon the use of those remedies, which they had already prescribed, and upon his majesty's taking some little sustenance. Upon this the duke of Devonshire, and several other noblemen, desired Dr. Bidloo to press him to take something. Accordingly Dr. Bidloo spoke to him in Dutch, and he made answer, 'Lift me up, and I 'will take as much as I can of what is thought proper.' Then he took some of Raleigh's cordial, with the julep, and soon after some hot claret. About the same time he thanked Dr. Bidloo for the great care he had taken of him, adding to this effect: "I know that you and the other learned physi-"cians have done all that your art can do for my relief;

(a) This bill was intitled, 'An act for the further security 'of his majesty's person, and 'the succession of the crown in 'the Protestant line, and extinguishing the hopes of the pre-'tended prince of Wales, and 'all other pretenders, and their 'open and secret abettors.'

"but

"but, finding all means ineffectual, I ſubmit." About three o'clock on Sunday morning he called again for Dr. Bidloo, and complained to him, that he had had a bad night, and could not ſleep. Upon that he ſat up, and leaned on him, ſaying, "I could ſleep in this poſture: Sit nearer me, and "hold me ſo for a little time." In this poſture he ſlept about half an hour, and, when he awaked, ſaid, "You can bear "me up no longer." Then he was held up by Mr. Freeman on the right ſide, and Mr. Sewell on the left, both of them having pillows in their arms. Soon after the phyſicians gave notice, that they were apprehenſive he had not long to live. Will. III. 1701-2.

The archbiſhop of Canterbury and the biſhop of Saliſbury attended him from Saturday morning, and did not leave him till he died. The archbiſhop prayed ſome time with him on that day; but he was then ſo weak, that he could ſcarce ſpeak, but gave him his hand, as a ſign, that he firmly believed the truth of the Chriſtian religion, and ſaid, he intended to receive the ſacrament. His reaſon and all his ſenſes were intire to the laſt minute. About five on Sunday morning he deſired the ſacrament, and went through the office with great appearance of ſeriouſneſs, but could not expreſs himſelf. The lords of the privy-council, with many of the nobility and gentry, attended in the adjoining apartments, and ſeveral of them were called in at times, to whom he ſpoke a little, and then they withdrew. Amidſt all their tears the king did not betray the leaſt concern or fear of death, but laboured to ſpeak with eaſe and chearfulneſs; and particularly when he talked a little to lord Overkirk, he raiſed his voice, whom he thanked for his long and faithful ſervices. He took leave of the duke of Ormond and others, and delivered to the earl of Albemarle the keys of his cloſet and ſcrutore, telling him, that 'he knew what to do with them.' After ſeven o'clock, he took Dr. Bidloo by the hand, and, breathing with great difficulty, aſked him, 'If this could laſt long?' The doctor anſwering, 'No,' he aſked again, 'How long?' To which the doctor replied, 'An hour, or an hour and a half; though 'you may be ſnatched away in the twinkling of an eye.' After that, while the doctor was feeling his pulſe, the king took him again by the hand, ſaying, 'I do not die yet, hold 'me faſt.' Having taken a little of the cordial portion, he faintly inquired for the earl of Portland, who immediately came to him, and placed his ear as near as he could to the king's mouth; but, though his lips were ſeen to move, his lordſhip was not able to hear any diſtinct articulate ſound; ſo

Will. III. 1701-2. the king took him by the hand, and carried it to his heart with great tenderneſs. He was often looking up to heaven in many ſhort ejaculations. Between ſeven and eight o'clock, he began to rattle in his throat, when the commendatory prayer was ſaid for him; and, as it ended, he expired in the arms of Mr. Sewell, one of the pages of the back-ſtairs, in the fifty-ſecond year of his age, having reigned thirteen years and one month wanting five days. As ſoon as the breath was out of his body, the lords Lexington and Scarborough, who were then in waiting, ordered Ronjat to take off from the king's left arm a black ribbon, which tied next to his ſkin a gold ring with ſome hair of the late queen Mary, which ſhewed the tender regard he had for her memory.

The king dies March 8.

Two days after, the royal corps was opened (b) and embalmed, and, having lain for ſome time in ſtate at Kenſington,

(b) The phyſicians and ſurgeons, who were ſummoned by the privy-council to aſſiſt at and examine the diſſection, made this report:

1. Upon viewing the body before the diſſection, the following appearances were remarkable. The body in general was much emaciated. Both the legs up to the knees, and a little higher, as alſo the right hand and arm, as far as the elbow, were conſiderably ſwelled. There was likewiſe on the left thigh, near the hip, a bladder full of water as big as a ſmall pullet's egg, reſembling a blain.

2. Upon opening the belly, the guts were found of a livid colour, and the blood contained in their veſſels black. The gut, called Ilion, had in ſome places the marks of a ſlight inflammation. The ſtomach, pancreas, meſentery, liver, gall, bladder, ſpleen, and kidnies, were all ſound, and without fault.

3. In the thorax or cheſt we obſerved, that the right ſide of the lungs adhered to the pleura, and the left much more; from which, upon ſeparation, there iſſued forth a quantity of purulent or frothy ſerum. The upper lobe of the left ſide of the lungs, and the part of the pleura next it, were inflamed to a degree of mortification: And this we look upon as the immediate cauſe of the king's death. From the ventricles of the heart, and the greater blood veſſels ariſing out of them, were taken ſeveral large, tough, fleſh-like ſubſtances of the kind called Polypus. The heart itſelf was of the ſmaller ſize, but firm and ſtrong.

4. Upon laying bare the right collar-bone, we found it had been broken near the ſhoulder and well ſet. Some extravaſated blood was lodged above and below the fracture.

5. The brain was perfectly ſound, and without any ſign of diſtemper.

6. It is very rare to find a body with ſo little blood as was ſeen in this, there being more found

ton, was interred with all the magnificence, which a private funeral could admit of, on Sunday night, April the 12th, in a vault in Henry VII's chapel in Weſtminſter-abbey; and, in the beginning of May, a will, which he had made October 18, 1695, and depoſited in the hands of monſieur Schuylemberg, was opened at the Hague, whereby it appeared, that he had appointed his couſin, the prince Friſon of Naſſau, eldeſt ſon of prince Caſimir Naſſau, ſtadtholder of Friſeland, his ſole and univerſal heir, and the States-general his executors, without mentioning either the king of Pruſſia, the prince of Naſſau Siegen, or the princeſs of Anhalt, who all claimed a right to his ſucceſſion. But, by a codicil annexed to that will, the lordſhip of Breevert, and a legacy of two hundred thouſand gilders were given to the earl of Albemarle. Will. III. 1701-2.

Thus lived and died king William III. He had a thin and weak body; his hair brown, and his conſtitution delicate. He had a Roman eagle noſe, bright and ſparkling eyes, a large front, and a countenance compoſed to gravity and authority. All his ſenſes were critical and exquiſite. He was always aſthmatical; and, the dregs of the ſmall-pox falling on his lungs, he had a conſtant deep cough. His behaviour was ſolemn and ſerious, ſeldom chearful, and but with a few. He ſpoke little and very ſlowly, and moſt commonly with a diſguſting dryneſs, which was his character at all times, except in a day of battle; for then he was all fire, though without paſſion, and was every where, and looked to every thing. He had no great advantage from his education. De Witt's diſcourſes were of great uſe to him; and he being apprehenſive of the obſervation of thoſe, who were looking narrowly into every thing he ſaid or did, had brought himſelf under an habitual caution, that he could never ſhake off, though in another ſcene it proved as hurtful, as it was then neceſſary to his affairs. He ſpoke Dutch, French, Engliſh, and German, equally well; and he underſtood the King William's character. Burnet.

found in his lungs, than in all the parts beſides put together.

Phyſicians preſent.
Sir Richard Blackmore,
Sir Thomas Colladon,
Dr. Hannes,
Dr. Harel,
Dr. How,
Dr. Hulton,
Dr. Lawrence,
Sir Thomas Millington,
Profeſſor Bidloo, &c.

Surgeons preſent.
Mr. Bernard,
Mr. Cowper,
Mr. Gardiner,
Mr. Ronjat, &c.

Will. III. 1701-2.

Latin, Spaniſh, and Italian, ſo that he was well fitted to command armies compoſed of ſeveral nations. He had a memory that amazed all about him, for it never failed him. He was an exact obſerver of men and things. His ſtrength lay rather in a true diſcerning and a ſound judgment, than in imagination or invention. His deſigns were always great and good; but it was thought he truſted to much to that, and did not deſcend enough to the humours of his people, to make himſelf and his notions more acceptable to them. This in a government, that has ſo much of freedom in it as ours, was more neceſſary than he was inclined to believe. His reſervedneſs grew on him, ſo that it diſguſted moſt of thoſe, who ſerved him; but he had obſerved the errors of too much talking more than thoſe of too cold a ſilence. He did not like contradiction, nor to have his actions cenſured; but he loved to employ and favour thoſe, who had the arts of complacence; yet he did not love flatterers. His genius lay chiefly to war, in which his courage was more admired than his conduct. Great errors were often committed by him, but his heroical courage ſet things right, as it animated thoſe, who were about him. He was too laviſh of money on ſome occaſions, both in his buildings and to his favourites; but too ſparing in rewarding ſervices or in encouraging thoſe who brought intelligence. He was apt to take ill impreſſions of people, and theſe ſtuck long with him; but he never carried them to indecent revenges. He gave too much way to his own humour almoſt in every thing, not excepting that which related to his own health. He knew all foreign affairs well, and underſtood the ſtate of every court in Europe very particularly. He inſtructed his own miniſters himſelf, but he did not apply enough to affairs at home. He tried how he could govern us by balancing the two parties one againſt another; but, he came at laſt to be perſuaded, that the Tories were irreconcileable to him; and he was reſolved to try and truſt them no more. He believed the truth of the Chriſtian religion very firmly, and he expreſſed an horror at atheiſm and blaſphemy; and, though there was much in both at his court, yet it was always denied to him, and kept out of ſight. He was moſt exemplarily decent and devout in the public exerciſes of the worſhip of God; only on week-days he came too ſeldom to them. He was an attentive hearer of ſermons, and was conſtant in his private prayers, and in reading the ſcriptures, and, when he ſpoke of religious matters, which he did not often, it was with a becoming gravity. He was much poſſeſſed with the belief of abſolute decrees, becauſe he did not ſee, how

how the belief of providence could be maintained upon any other ſuppoſition. His indifference as to the forms of church-government, and his being zealous for toleration, together with his cold behaviour towards the clergy, gave them generally very ill impreſſions of him. In his deportment towards all about him, he ſeemed to make little diſtinction between the good and the bad, and thoſe who ſerved well, or thoſe who ſerved him ill. He loved the Dutch, and was much beloved among them; but the ill returns he met with from the Engliſh nation, their jealouſies of him, and their perverſeneſs towards him, had too much ſoured his mind, and had in a great meaſure alienated him from them, which he did not take care enough to conceal, though he ſaw the ill effects this had upon his buſineſs. He grew in his laſt years too remiſs and careleſs as to all affairs, till the treacheries of France awakened him, and the dreadful conjunction of the French and Spaniſh monarchies gave ſo loud an alarm to all Europe; for the watching over the French court, and the oppoſing of their practices, was the prevailing paſſion of his whole life. Few men had the art of concealing and governing paſſion more than he had, yet few men had ſtronger paſſions, which were ſeldom felt but by inferior ſervants, to whom he uſually made ſuch recompences for any ſudden or indecent vents he might give his anger, that they were glad every time it broke upon them. He was too eaſy to the faults of thoſe about him, when they did not lie in his way, or croſs any of his deſigns; and he was ſo apt to think, that his miniſters might grow inſolent, if they ſhould find, that they had much credit with him, that he ſeemed to have made it a maxim to let them often feel, how little power they had even in ſmall matters. His favourites had a more intire power, but he accuſtomed them only to inform him of things, but to be ſparing in offering advice, except when it was aſked. It was not eaſy to account for the reaſons of the favour, that he ſhewed in the higheſt inſtances to two perſons beyond all others, the earls of Portland and Albemarle, they being in all reſpects men, not only of different, but even of oppoſite characters. Secrecy and fidelity were the only qualities, in which it could be ſaid, that they did in any ſort agree. He appeared to be a perſon raiſed up by God to reſiſt the power of France, and the progreſs of tyranny and perſecution. The ſeries of the five princes of Orange, that was now ended in him, was the nobleſt ſucceſſion of heroes, that we find in any hiſtory; and the thirty years, from the year 1672 to his death, in which he acted ſo great a part, carried in them ſo many amaz-

Will. III. 1701-2.

Will. III. 1701-2.

zing ſteps of a glorious and diſtinguiſhing providence, that in the words of David he might be called, 'The man of God's 'right hand, whom he made ſtrong for himſelf.' After all the abatements, that may be allowed for his errors and faults, he ought ſtill to be reckoned among the greateſt princes, that our hiſtory, or indeed any other can afford.

This is the character of king William, as drawn by biſhop Burnet, who had occaſion to know him well, having (as he ſays himſelf) obſerved him very carefully in a courſe of ſixteen years. To this character ſhall be added the following account of the ſame prince, penned and communicated by a perſon, extremely well verſed in the affairs of thoſe times.

His character by another hand.

To draw a character, with any tolerable degree of propriety and truth, is far from being an eaſy undertaking. The difficulty encreaſes from a variety of particulars, and many appearances of ſtrong contradictions. This is evidently the caſe of the prince, of whom I ſhall preſume to offer a free and impartial account.

He came into the world, and ſtruggled through life with many and perpetual inconveniencies and diſadvantages. The father, dying immediately after his attempt on Amſterdam, produced many misfortunes to the ſon, with regard both to his education and intereſt. Indolence and averſion to buſineſs, which requires confinement, are great misfortunes to a prince; and they are conſequences of not being under the reſtraints proper to form the mind to knowledge. Without attention and careful deliberation, how can any thing be well performed in the great ſcenes of life?

In his long minority, power and the conduct of affairs had been in the hands of the ſure enemies of the Orange family; but, under theſe diſadvantages, when he was not above ſixteen or ſeventeen years of age, he gave an inſtance of prudence, caution, and wiſdom, worthy the experience of the oldeſt and ableſt miniſter of ſtate. The fact is ſo very remarkable, that it deſerves a particular relation. De Witt, having taken him under his government and tuition, in order to be maſter of all his actions and motions, removed all his old ſervants, and placed others about him, in whom he could confide. One young man, who had conſtantly attended him from a child, and was his valet de chambre, at the earneſt requeſt of the prince, was ſuffered to continue in his ſervice. But De Witt took care, at the ſame time, to engage him in his intereſt. The prince had a conſtant, but very ſecret, correſpondence with the Engliſh court, in matters that concerned his own views and intereſt. On the receipt of letters from thence,

thence, he uſually put them into his waiſtcoat pocket. The valet, when his highneſs was in bed and aſleep, took out the letters, copied them for the penſionary, and carefully replaced the originals. This continued ſome time, till De Witt, talking with the prince upon his affairs, and warning him againſt intrigues inconſiſtent with their government, and dangerous to his highneſs, let fall expreſſions, from which the prince inferred his having ſeen ſome of his ſecret letters from England. He took not the leaſt notice to any one of what had happened, but, when he went to bed, feigning ſleep, he ſaw the faithleſs operation of his valet without the leaſt notice or motion. He continued to conceal the diſcovery, but took care, in his ſubſequent letters to England, to write in ſuch a manner, and to receive ſuch anſwers for his waiſtcoat pocket, for the treacherous uſe of his ſervant, and De Witt's information, as by degrees removed his jealouſies, and kept him ever after in a falſe ſecurity relating to the prince's tranſactions and correſpondencies abroad. When the prince had overcome all his difficulties, and was made ſtadtholder; he coolly let his valet know what great ſervice he had done, while he was intending to betray him. After this confounding explanation, he was immediatey diſmiſſed from his ſervice: But the prince notwithſtanding gave him a place for life about an hundred a year at Breda. Will. III. 1701-2.

When he entered into public life, moſt of his friends and aſſiſtants were men diſtinguiſhed only by noiſe and zeal. Circumſtances as importantly unhappy attended him in England. The marquis of Hallifax, the earl of Danby, Sir Edward Seymour, and ſeveral others, had been eminently uſeful in the contrivance and execution of the revolution, and in fixing the government. Neglects and diſappointments under king James, and great expectations from the now ſettlement, were the chief motives of their behaviour. They could have no ſenſe of civil and religious liberty, nor real concern for its intereſts either at home or abroad, the whole of whoſe lives had been ſpent in bold and conſtant endeavours for its ſubverſion. But though, in the diſtribution of places, they had their full proportion, yet, becauſe all their views were not anſwered, they quickly conceived bitter diſguſts, and infuſed their temper into all their dependents; but continued in place, in order more effectually to diſtreſs and diſturb. Thus they had many opportunities of fatally adviſing in home and foreign affairs. They hated the king, and endeavoured to make him odious for his moderation and good temper in matters of religion; and yet they flattered, and pretended zeal for his honour.

They

Will. III. 1701-2. They laboured with too much ſucceſs in giving him diſguſts to thoſe, who were his friends both by principle and inclination; and engaged him to confide in, and employ thoſe, whoſe enmities to him were unalterable.

The avarice and rapaciouſneſs of foreign favourites was another very great misfortune. In order to ſilence the clamours of enemies, ſome of the chief of the Tories, particularly Danby, were liberal partakers in the crown-lands. Such proceedings could not fail to be matter of grief and offence to the beſt friends of the government. The king's regards to a favourite lady, not many weeks after the queen's deceaſe, were publiſhed to the world by a moſt profuſe and prodigious grant. This lady's influence and management in general are known; but many particulars have not been repreſented, and many can never be produced to light. She engaged perſons of the firſt rank to enter into buſineſs. She offered the Tories, by way of bargain for her Iriſh grants, to have lord Sommers removed, whoſe diſgrace, as well as that of the earl of Portland, was chiefly owing to her addreſs. Her brother, the earl of Jerſey, was a zealous and known Jacobite, and yet had all ſorts of honour and truſts. A great variety of particulars might be added, but the reflections, which ariſe from what has been mentioned, is ſufficient to our purpoſe.

A military life was moſt agreeable to his genius; but here his diſadvantages and diſtreſſes were perpetual. He came, to the reſcue of his country in the loweſt and moſt dejected ſtate. His firſt performances are therefore to be regarded as the moſt glorious particulars of his conduct. His principal ally, the Spaniard, only gave him vain promiſes and aſſurances, for they were every where feeble and unprepared.

After he came to England, in how many ways was he embarraſſed? The unreduced and unſettled ſtate of Ireland gave the enemy great advantages on the continent. The court of Vienna only attended to the war in Turky; every thing elſe was neglected. The German troops had no exiſtence but in pompous liſts publiſhed before the campaign. The part, which the elector of Bavaria afterwards acted openly, ſeems to give credit to the ſuſpicions, which were then entertained. Some traitors belonging to him were diſcovered, but perhaps not the principal. The kings for the ſupport of the wars, had the name and ſound of great ſupplies, but effectual ſervices were very different from theſe appearances. The funds were inſufficient, and the difficulties in raiſing money immediately were inſuperable. When a little more vigour both at home

home and abroad began to open to us better views, the dis- Will. III.
orderly ſtate of the coin defeated all the fair appearances. 1701-2.

The conduct of the treaty of Ryſwick fell into the hands of the incapable or diſaffected. After the peace, the king was on terms of diffidence and diſtruſt with all his capable friends; which the diſcontented, the diſaffected, and the eager for popularity improved into the fatal reduction of the army. When the long-dreaded event of the death of the king of Spain happened, he was found in the hands of thoſe whoſe enmity was immoveable. They treated France with eſteem and reſpect, while his allies endured all the effects of their inſolence and pride.

With regard to his military abilities and ſkill, the world has been greatly divided in their opinion. The Tories, while he was alive, prevailed in the obtaining places for themſelves, by aſſurances of their peculiar regards to regal power; but, after his deceaſe, they took the firſt opportunity of ſtigmatizing him as a warrior; as appeared from their dividing ſo ſtrongly for the word 'retrieved.' His courage, bravery, and reſolutions, were unqueſtionable; his conduct, temper, and ſkill, are not ſo generally allowed. Something of this kind will ever be ſuppoſed in a commander, who fails of ſucceſs in almoſt every enterprize. Victory ſcarce ever attended him, except in the paſſage of the Boyne. He expelled the French from moſt of the fortreſſes belonging to the Dutch, but was far from making any effectual oppoſition to their progreſs in the Spaniſh Netherlands; and they acquired, in a few years, towns and territories, which have contributed to their ſtrength and riches, in an amazing and terrible manner.

In his political and civil management, true ſkill and reſolution ſeem to have been much wanting. Perpetual changes of perſons and parties were notorious throughout his reign. Thoſe, who were againſt all engagements, and all aſſurances of the fidelity of his ſubjects, and who, in important ſtruggles, oppoſed the owning him as 'lawful and rightful king,' after ſuch repeated indignities, were preferred to his ſure and moſt ſincere friends. The 'convention parliament,' to which he owed his 'all,' was diſſolved; the betrayers of corporations, and the tools of arbitrary power in the two former reigns, were protected and preſerved; while his zealous adherents were delivered up to contempt and diſgrace. In return for this aſtoniſhing preference, the city of London choſe ſuch of the members, as were then alive, who had been impoſed on them by king James, who had delivered them from the incumbrance of all their privileges. The new ſenate placed one

at

Will. III. 1701-2.

at their head, who was of a malevolent and corrupt temper, and had been ready and willing to perform for the abdicated monarch, the moſt profligate and deſperate ſervices. With regard to the coin, the king followed the miſchievous and diſtreſſing advice of Seymour, and rejected the ſafe and ſalutary councils of Sommers. Plottings and treaſons of the moſt bloody and barbarous kind were repeated by great numbers of people of all ranks; and yet all poſſible methods were uſed to preſerve from puniſhment the guilty; and the leaders, in ſuch managements, continued to be taken into his councils and confidence.

An effectual oppoſition to France, ſeemed to employ his moſt ardent wiſhes and endeavours; but meaſures quite oppoſite were purſued. The whole winter after the peace of Ryſwick, he did not once confer either with lord Sommers, or any of thoſe who ſerved with inclination and affection. The earl of Rocheſter, and his adherents, though in the higheſt poſts, after the infamous proceedings of Lewis XIV, with regard to the Spaniſh ſucceſſion, recommended that king's being treated with reſpect in the houſe of lords, and reſented ſome juſt freedoms. The earl of Jerſey, who is ſaid to have often avowed to the king his affection for St. Germain's, was ſent ambaſſador to France; and, inſtead of duly obſerving and reſenting the perfidy and indignities of that court, his buſineſs was to cultivate an intereſt with king James.

But at laſt the king was ſenſible of theſe errors, and, juſt before his death, reſolved to bring again into his ſervice the true friends to himſelf, and to the liberty and intereſts of his kingdom.

Pride and neglect were imputed to him by the great commanders, with whom he was concerned in military affairs, who thought themſelves treated with too great a coldneſs and reſerve. As he had nothing of the eaſy and affable in his manner, this is ſaid to have offended the elector of Bavaria, and to have occaſioned great prejudice to the common cauſe. To his firſt conceptions of what was proper to be done, he adhered in a determined manner; and no counſels, except what were agreeable to theſe, were regarded.

Such in this world are the parts, which enter into the compoſition of the eminent and diſtinguiſhed! However, the great name which we have ſo freely placed in the moſt impartial light, deſerves, on many accounts, to be remembered with gratitude and honour.

He had juſt views of the horrid conſequences of the unreſtrained progreſs of the power of France. With great inte-

grity

grity and vigour, he therefore made it the buſineſs of his life to oppoſe all its miſchievous motions; nor did he faint or grow weary in the glorious and difficult toil. He had an enemy, who was ever well prepared and provided; while his own ſituation was quite different. He was often baffled and diſappointed, and rarely attended with triumphant ſucceſs. However, the preſervation of Europe from 'abſolute ſubjec-'tion,' may juſtly be aſcribed to his endeavours. He knew in what a ſcandalous and mercenary manner his two predeceſſors had ſurrendered themſelves to the will and pleaſure of the enemy; nor was he ignorant of the weak and corrupt condition of many other ſtates. But though thus diſcouraged, the offer of the ſovereignty of the greateſt part of his country could not ſeduce him from the common cauſe. This is ſufficient to ſilence the accuſations of his enormous love of power. Will. III. 1701-2.

As he proved himſelf the friend of the liberties of Europe, and preſerved its free ſtates from being the oppreſſed provinces of an univerſal monarchy, ſo equally ſincere was his zeal for the religious rights of mankind. He had a juſt abhorrence of Popiſh tyranny and uſurpation on conſcience. The bitterneſs and envyings amongſt Proteſtants gave him great concern; and he wiſhed for an effectual cure of theſe evils, and contrived the moſt proper meaſures. Uniformity in opinions and practices is not to be compaſſed: Therefore mutual forbearance, and reſtraining the ſeveral parties and profeſſions among Chriſtians from injuring one another, ever had his conſtant attention. The religious notions, which education and a habit of thinking had fixed, gave him no averſion to thoſe who oppoſed his ſentiments. In his days, and by his means, the firm and conſiſtent foundations were laid, of what is truly valuable in civil or religious affairs. Before his time, avowing the rights of mankind, in a full and conſiſtent manner, was criminal or diſgraceful: As they had power and opportunity, the ſeveral parties of Chriſtians oppreſſed and injured one another.

An unthinking and ungrateful world is only delighted with hurry and miſchief, and has therefore no ſenſe of its moſt valuable benefactors. But thoſe who will reflect and conſider, muſt acknowledge a more real friend to human beings never appeared in this part of the earth. To him we owe the aſſerting and ſecuring our moſt important immunities and privileges. To him the intellectual world is indebted for the full freedom of debating all ſubjects, and of avowing and defending their ſentiments.

The

Will. III. 1701-2.

The appearances of Providence for his ſafety and preſervation, were many and very affecting. No life was more imminently expoſed in the day of battle, nor did his many diſadvantages abate his ardour: Far from declining, he ſought opportunities. His enemies, not ſatisfied with the ſeveral chances thus offered, by many vile and dark methods, attempted his deſtruction both at home and abroad.

From an immature birth he derived a weak and feeble conſtitution; but a vigorous mind carried him through a perpetual ſucceſſion of cares and labours. Conſidering an accidental hurt befalling a decayed and waſted frame, his days were prolonged beyond all expectation. His laſt work compleated his good deſigns for conveying to us the great and valuable bleſſing of the Proteſtant ſucceſſion. Had he been cut off in any of the periods of his glorious ſtruggle for our happineſs and the welfare of Europe, the miſeries and miſchiefs, which muſt naturally have followed, would ſurely have equalled all the ſuggeſtions of the blackeſt and moſt melancholy imagination. But the unthinking part of the world, becauſe wholly delivered, have not been, nor ever will be, duly ſenſible.

Henry IV, of France, and queen Elizabeth, are perpetually produced as inſtances of ſuperior princely merit. How truly king William not only equalled but excelled them, in the really glorious qualities of a great and good governor, might eaſily be made appear. On a careful examination, his difficulties and diſtreſſes will be found greater than theirs; and his faults and miſmanagements, leſs enormous and more excuſable.

Before the reign of queen Anne is entered upon, it will be requiſite to relate ſuch eccleſiaſtical matters, as have been purpoſely omitted, that the narration of the civil affairs might not be interrupted. To this it will not be improper to prefix a ſhort account of the riſe and progreſs of our religious differences, in a view of the ſtate of the Church from the time of the Reformation (where Rapin leaves off his eccleſiaſtical hiſtory) to the time of the Revolution.

THE STATE of the CHURCH, FROM THE REFORMATION to the REVOLUTION;

With the Riſe and Progreſs of our Religious Differences.

State of the Church after the reformation.

WHEN Chriſtendom was over-run with the ſuperſtitious and abſurd doctrines and practices of the Church of Rome, and ſuch things were eſtabliſhed, as contradicted not only the Scriptures, but the reaſon, underſtanding, and very ſenſes of mon, then it was that ſeveral reformers aroſe in different parts of Europe, and ſeparated from a Church ſo overwhelmed with corruption and error. It was laid down as a maxim, that the Scriptures are the ſole rule of Faith, wherein all things neceſſary to ſalvation are ſo plainly revealed, that every man may judge for himſelf, and needs not an infallible guide in matters of religion. Upon this foundation, Infallibility, Tranſubſtantiation, Indulgences, Worſhip of Saints and Angels, with a numerous train of the like abſurdities, were attacked, and proved to be repugnant to the Goſpel. But the misfortune was, that, in the progreſs of the Reformation, the principle on which it was grounded was intirely forgot; inſtead of reſtoring Chriſtianity to its primitive ſtate, as contained in our Saviour's laſt inſtructions to his Apoſtles, 'That repentance and remiſſion of ſins ſhould be preached in his name 'to all nations:' Inſtead of adhering to this plain and rational ſcheme of the Goſpel, St. Auſtin's doctrines were made the ſtandard of religion, and ſuch ſyſtems were framed, as were as unintelligible to reaſon, and as difficult to be proved by Scripture, as the tenets of that church from which the reformers had ſeparated. They were not content with ſaying, that by the ſin of our firſt parents all mankind are

great

great ſufferers; that the effects of it are tranſmitted to all their poſterity, namely, 'loſs of Paradiſe, labour and toil, 'ſorrow in conception, ſubjection to ſickneſs, diſeaſes, and 'all the calamities of life;' and finally, to the greateſt of all natural evils, death itſelf. They were not ſatisfied with aſſerting, that man, ſince the fall, is prone to evil, too eaſily led aſtray by the force of example, education, prejudice, and temptation; and that, when the world lay buried in wickedneſs, God ſent his Son to quicken men to a ſenſe and practice of their duty, by the aſſurance of pardon, for his ſake, of paſt offences, upon repentance and amendment of life; by the promiſe of everlaſting happineſs to well-doers, and by the threatening of future puniſhment to all evil-doers, according to their reſpective deſerts. Not content with this, the reformers, copying after St. Auſtin, declared, that Adam was the repreſentative of all mankind, and conſequently not only the Effects, but alſo the Guilt, of his ſin is transferred on all his deſcendants, who are thereby obnoxious both to 'death, and eternal damnation.' That, ſince the fall, how free ſoever the will may be as to civil affairs, it is ſo far enſlaved as to religious matter, that man is totally unable of himſelf to think a good thought, or to do a good action (c). That God, before the foundations of the world were laid, ſecretly decreed, to ſave a certain number of perſons, whom he has unconditionally choſen out of loſt mankind. That, as Adam's ſin is imputed to all his poſterity, ſo the righteouſneſs of Chriſt is imputed to the elect, for whom only he died. That to the elect is given both a 'preventing grace,' that they may have a good thought, and an 'aſſiſting grace,' to enable them to put it in practice. That in this ſtate of grace, the elect will certainly perſevere, and cannot finally fall from it. That the reſt of mankind, for want of this efficacious and irreſiſtible grace, remain in a ſtate of curſe and damnation (d).

(c) As the Papiſts held, that men were able not only to perform their duty, but even to do works of ſupererogation, or more than were neceſſary for ſalvation; ſo the Reformers ran into the other extreme, and aſſerted, that man of himſelf can do no work acceptable to God.

(d) The Pelagians (ſo called from Pelagius) think there is no need of any other grace but that of pardon, and deny both the preventing and aſſiſting grace. The Semipelagians think, that an aſſiſting grace is neceſſary, but that the firſt turn of the will to God is the effect of a man's own choice.

Such

Such were the doctrines that at firſt more generally prevailed among the reformers, with this difference only, that ſome (thence called Supralapſarians) aſſerted, that God decreed Adam's ſin, and the damnation, as well as ſalvation, of ſuch as ſhould be moſt for his own glory; whilſt others (thence ſtiled Sublapſarians) affirmed, that, Adam having ſinned freely, God decreed to ſave a certain number, and left the reſt in their fallen ſtate, without any further determination about them.

In the progreſs of the Reformation, ſome of theſe doctrines began to be ſoftened. Arminius, divinity-profeſſor at Leyden, and his followers (from him called Arminians, and alſo Remonſtrants or Univerſaliſts) declared, that God decrees not 'abſolutely' any perſon to be ſaved or damned, but 'conditionally', or according to what he foreſaw they would do: That Chriſt did not die only for a particular number whom God intended to ſave, but for all men; ſo that every one is intitled to the benefit of his death, who rejects not the Goſpel-terms of faith and repentance: That grace, or the aſſiſtance given to men to inable them to do their duty, is not irreſiſtible, but the efficacy of it comes from the freedom of the will, which either may, or may not, co-operate with it as it pleaſes; and conſequently, that the perſeverance of thoſe, to whom ſuch grace is given, is not certain, but they may finally fall away from that ſtate (a).

The two chief branches of the Reformation are the Lutherans and Calviniſts, ſo called from their founders, Luther and Calvin. The Lutherans, though at firſt they were followers of St. Auſtin, and even denied the freedom of the will, altered their opinion in time, and eagerly came into the Arminian ſcheme of 'conditional decrees' (b), whilſt the Calviniſt,

(a) There were ſome that went farther. They denied the certain foreknowledge of future contingencies, and therefore they thought the decrees of God from all eternity, were only general; that ſuch as believe and obey the Goſpel ſhall be ſaved, and that ſuch as live and die in ſin ſhall be damned; but that there were no ſpecial decrees made concerning particular perſons, theſe being only made in time, according to the ſtate in which they are. They thought alſo, that man is by nature ſo free and ſo intire, that he needs no inward grace; ſo they deny a ſpecial predeſtination from all eternity, and do likewiſe deny inward aſſiſtances. Theſe, from Socinus their founder, are called Socinians, and alſo Unitarians, from their aſſerting the ſupremacy of the Father, and denying the received doctrine of the Trinity.

(b) When Luther began to

viniſts cloſely adhered to St. Auſtin's doctrines of abſolute and unconditional predeſtination, as before explained.

Theſe two branches differ alſo in their notions of the Euchariſt. The Lutherans hold, that, together with the bread and wine, the real body and blood of Chriſt is diſtributed. The Calviniſts ſay, that, under the bread and wine, the body of Chriſt is really, though ſpiritually, received. Here again, if the Bible had been adhered to, this ſubject of diſpute had been avoided; for, from the words of the primitive inſtitution, neither a real, nor a ſpiritual preſence can be inferred. Both parties avow the principle of perſecution (c); and, on account of their religious differences, ſuch animoſity reigns between them, that they refuſe to hold communion with each other, and, in many places, will not allow a mutual toleration (d). When the Arminian ſcheme began to ſpread in Holland, and to be favoured by the government, as more rational in itſelf, and more intelligible by the people than the Calviniſtical, the Predeſtinarian party, who were moſt prevalent there, grew outrageous at the progreſs of the Arminian doctrines, and called the authors of them

form his opinions into a body, he clearly ſaw, that nothing did ſo plainly deſtroy the doctrine of merit and juſtification by works as St. Auſtin's opinions: He found alſo in his works very expreſs authorities againſt moſt of the corruptions of the Roman church; and being of an order that carried his name, and by conſequence accuſtomed to read and reverence his works, it was no wonder if he, without a ſtrict examining of the matter, eſpouſed at firſt all his opinions, tho' before he died, he is reported to have changed his mind; for Melanchon, who had been of the ſame opinion, as to the freedom of the will, did retract it, and was not blamed for it by Luther.

(c) Luther allowed of perſecution as far as baniſhment; but Calvin thought it lawful to put heretics to death. Beza publiſhed a treatiſe in favour of perſecution, which was tranſlated into Dutch by Bogerman, preſident of the ſynod of Dort.

(d) It may here be obſerved, that one ſtanding cauſe of their not holding communion with one another, is, that both parties have taken care to inſert their peculiar tenets and doctrines into the offices of their public worſhip. For inſtance, there is ſcarce a Calviniſtical prayer, but what ſuppoſes abſolute predeſtination and election, partial redemption, total inability of man to do any thing that is good, efficacy of grace, final perſeverence, or ſome other controverted point, by which means a Lutheran or Arminian cannot join in it, without ſtraining the words to their own ſenſe, which is ſometimes hardly to be done.

Devils

Devils and Plagues, animating the magiſtrates to extirpate and deſtroy them, and utterly refuſing to enter into any treaty of reconciliation. They never ceaſed till they had leave to hold a national ſynod at Dort, in 1618, from which all the Arminian divines being expelled, their tenets were condemned, and the Predeſtinarian, or Calviniſtical, doctrines more firmly eſtabliſhed.

The reformers made great alterations in the diſcipline, as well as in the doctrine, of the Church of Rome.

The Hierarchy was intirely demoliſhed, and Epiſcopacy every where (except in a few Lutheran dioceſes) wholly aboliſhed. Biſhops and preſbyters are affirmed to be the ſame in Scripture, and all ſuperiority of the one over the other being denied, and a parity aſſerted, the eccleſiaſtical government is (by the Calviniſts at leaſt) lodged in the hands of preſbyters, lay-elders, and deacons.

In Scotland, the Reformation was alſo ſettled after the Calviniſtical or Geneva-model, both as to doctrine and diſcipline, and Epiſcopacy not only rooted out, but declared to be repugnant to the word of God.

In England, a middle courſe was ſteered. Though the articles of religion are a plain tranſcript of St. Auſtin's doctrine in the controverted points of Original Sin, Predeſtination, Juſtification by Faith alone, Efficacy of Grace, and Good Works, yet are they compoſed with ſuch a latitude and ſuch additional cautions, as that they may be taken in an Arminian as well as Calviniſtical ſenſe. For inſtance, in the article of Predeſtination, it is not expreſſed, whether God's decree was abſolute or conditional; and therefore, though the authors very probably meant, that the decree was abſolute, yet the Remonſtrants may ſubſcribe to it in a conditional ſenſe. However this be, of the thirty-nine articles, the moſt riged Calviniſt can give his aſſent to all, except three relating to the diſcipline of the Church. For though the doctrine of the Church of England, as it ſtands in the Articles and Homilies, agrees with that of the Calviniſts, yet the diſcipline is intirely different. The hierarchy, or, church-government, by biſhops, prieſts, and deacons, is preſerved in England, and declared to be apoſtolical. The biſhops are held to be of a ſuperior order to the prieſts, and to have the ſole power of Ordination. The Engliſh reformers thought proper alſo to retain the Popiſh eccleſiaſtical habits or veſtments, the ſurplice, hoods, &c. and alſo ſome of the ceremonies, as the croſs in baptiſm, ring in matrimony, kneeling at the ſacrament, &c. The liturgy or common-prayers

were chiefly taken from the offices of the Church of Rome, and certain reſponſes were added, to engage the attention of the people, who before had no concern in the public devotions which were uttered in an unknown tongue.

The riſe of our religious differences.

It happened in queen Mary's reign, that great numbers of the reformed, upon the reſtoration of Popery, fled beyond ſea, and were kindly entertained by the Proteſtant ſtates in Germany, Switzerland, and Geneva, who allowed them churches for their public worſhip. Among theſe were five biſhops, as many deans, ſome archdeacons, and above fifty eminent preachers and doctors; and of noblemen, merchants, &c. above ſeven hundred. Many of theſe exiles, returning home in queen Elizabeth's reign, brought with them a great liking of the diſcipline and worſhip of the reformed churches abroad, and uſed their utmoſt endeavours to cauſe the church-diſcipline to be reduced to a nearer conformity with the Calviniſtical plan. They alledged, that the Scriptures are a ſtandard of diſcipline as well as doctrine: That the form of government appointed by the Apoſtles, was, like the Jewiſh Sanhedrim, ariſtocratical, and to be adminiſtered by paſtors, elders, and deacons: That this form was deſigned as a pattern for the churches of all ages, not to be departed from, on account of any cuſtoms of the Papacy or practice of the earlier ages, unleſs warranted by the Bible. They objected to the act of ſupremacy, as giving too much power to the crown in matters of religion. They ſaid, that Chriſt, and no other, was the ſole law-giver and head of the church: That the direction of religious matters was, by God's ordinance, committed to the church-officers: That the civil magiſtrate might call a council of his clergy, and be there in perſon, or by deputy, but not a Moderator or Judge: That it was his province not to make ordinances or determine controverſies, but to ſee the decrees of the clergy executed, and to puniſh the contemners. They declaimed againſt thoſe habits, rites, and ceremonies, which were uſed by Papiſts, inſiſting that thoſe things, which were left indifferent by the Scriptures, ought not to be made neceſſary by any human law, and that ſuch rites as had been abuſed to Idolatry, and tended to lead men back to ſuperſtition, were no longer indifferent, but to be rejected as unlawful. They, who were thus for carrying on the Reformation farther than the eſtabliſhment, were by their adverſaries termed Puritans.

Theſe were told, that in the affairs of church-government, not only the Scriptures, but the practice of the church, for the firſt four or five centuries, was to be regarded: That there-

therefore the later corruptions of the Papacy, from the time the pope uſurped the title of Univerſal Biſhop, were only to be rejected, and thoſe things left ſtanding, which could be traced much higher; ſuch as archbiſhops, biſhops, prieſts, and deacons: That every prince had authority to correct all abuſes of doctrine and diſcipline within his own territories; and that things indifferent, ſuch as rites, ceremonies, habits, &c. might be ſettled by the command of the civil magiſtrate, and in ſuch caſes it was the indiſpenſable duty of all ſubjects to obſerve them.

Hence it appears, that both parties agreed in the neceſſity of uniformity of public worſhip, and of calling in the ſword of the civil magiſtrate for the ſupport of their ſeveral ſchemes, but differed about the ſtandard of this ſame uniformity, one party aſſerting, 'it was the queen's ſupremacy, and the laws 'of the land;' the other, 'the decrees of provincial and 'national ſynods,' allowed and inforced by the magiſtrate. Neither party thought of admitting of liberty of conſcience and freedom of profeſſion, which ſeems to be the right of every man, as far as is conſiſtent with the peace of the government.

From this principle of non-toleration, both parties, in their turns, when they had the civil power in their hands, failed not to oppreſs one another. The Puritans were the firſt ſufferers. The controverſy began about the habits, (which had been objected againſt in the reign of Edward VI) ſeveral refuſing biſhopricks or other preferments, on account of the veſtments and ceremonies, and great numbers being deprived for not uſing them. Queen Elizabeth, jealous of her eccleſiaſtical power, and fond of pomp and ſhew in the externals of religion, was ſo far from granting the leaſt indulgence in theſe matters, that ſhe inſiſted on a ſtrict uniformity as well in diſcipline as doctrine. The Puritans, rather than comply, ſubmitted to ſuſpenſions and deprivations, the number of which, in her reign, amounted to ſeveral thouſands. Penal laws were multiplied and rigorouſly executed. Non-compliance with, or ſpeaking, or acting, againſt the Liturgy, was for the third offence perpetual impriſonment, with loſs of preferment to a clergyman, and forfeiture of goods and chattels to a layman. Abſence from church was firſt puniſhed with 12 d. a Sunday, afterwards with 20 l. a month, and laſtly with impriſonment without bail; and, unleſs a declaration of conformity was made in three months after conviction, with perpetual baniſhment; and, in caſe any returned, they were to ſuffer death without benefit of

the clergy. During theſe proceedings, though the Puritans in general were unwilling to forſake the eſtabliſhed church, and therefore evaded the force of theſe laws, by coming to church when the prayers were almoſt over, and receiving the ſacrament where it was adminiſtered with ſome latitude; yet others reſolved to ſeparate from it, and to aſſemble, wherever they could, to worſhip God in their own way. The Browniſts (ſo called from Robert Brown their paſtor, educated in Corpus Chriſti college, Cambridge) formed the firſt ſeparate congregation; but they were quickly forced to leave the kingdom, and retire to Holland, where Mr. Robinſon, paſtor of the church at Leyden, firſt ſtruck out the Congregational or Independent form of church-government (e). Part of this church, tranſplanting themſelves at length into America, laid the foundation of the colony of New-England.

The firſt Separatiſts.

Here was the beginning of the ſeparation, whereby people of the ſame country, of the ſame religion, and of the ſame judgment and doctrine, parted communion, on account of a few habits and ceremonies, which by degrees begot unſpeakable miſchiefs to the nation, and in the end proved the deſtruction of the conſtitution both of church and ſtate. A ſtrong inſtance of the weakneſs, perverſeneſs, and ſuperſtition of mankind! How weak muſt it be to part with a livelihood and embrace poverty, rather than wear a ſurplice or a ſquare cap! How perverſe to inforce the uſe of ſuch things againſt conſcience! How ſuperſtitious to believe it of

(e) In the year 1616, Mr. Jacob (who, after conferring with Robinſon, embraced his ſentiments of church diſcipline) ſet up the firſt Independent or Congregational church in England. Some time after, ſome of the moſt rigid, being diſſatisfied about the lawfulneſs of infant-baptiſm, choſe Mr. Jeſſe their miniſter, who laid, 1640, the foundation of the firſt Baptiſt congregation in England. The Browniſts increaſed in ſuch a manner, that in 1592, Sir Walter Raleigh declared in the parliament houſe, that there were no leſs than 20,000 divided into ſeveral congregations, in Norfolk, Eſſex, and about London. They had now at their head, Smith, Jacob, and Ainſworth, the Rabbi of the age. Copping and Thacker, two of their miniſters, were condemned and put to death for Non-conformity, in 1585. The Browniſts did not differ from the church in any doctrinal points; but were ſo rigid and narrow in points of diſcipline, that they not only maintained the diſcipline of the Church of England to be Antichriſtian, but renounced communion with all other reformed churches, except ſuch as ſhould be of their model.

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any conſequence to religion, to uſe or diſuſe them! Had theſe external things been left as indifferent in their practice as they are in their nature, there had been probably no ſchiſm in the church, nor civil war in the ſtate. For, though the Puritans had many other objections to the eſtabliſhed diſcipline, they would doubtleſs have remained in the Church, if the uſe of the habits had been diſpenſed with. But the queen's reſolution, not to indulge them, drove many into an actual ſeparation, which widened the breach. For the controverſy, which had been chiefly confined to the habits and a few ceremonies, began to open into ſeveral conſiderable branches, and particularly the Hierarchy was attacked. The Puritans were alſo divided, and a new diſpute aroſe, concerning 'the 'neceſſity of a ſeparation from the eſtabliſhed church.'

Soon after the acceſſion of king James, the canons of the Church were eſtabliſhed by the king and convocation. By theſe canons all were declared to be 'ipſo facto' excommunicated, that affirmed, the Church of England not to be a true and apoſtolical church, or the Liturgy to be corrupt, or the rites and ceremonies to be antichriſtian, or that ſeparated from the Church, and pretended that any ſect of miniſters and lay perſons, may make rules, orders, and conſtitutions, without the king's authority. Thus the Puritans found themſelves in a worſe condition than ever, excommunication (the conſequences of which are terrible) being added to ſuſpenſions and deprivations (f). Things were in this ſtate, when

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(f) In the reign of king James, two perſons were burnt for hereſy; one was Bartholomew Legate, an Arian; he was well verſed in the Scriptures, and of an unblameable converſation. The king himſelf and ſome biſhops conferred with him, but could not convince him of his errors. After having lain ſome time in Newgate, he was, convened before biſhop King, in his conſiſtory at St. Paul's, who, with ſome other divines and lawyers, declared him an obdurate heretic, and certified the ſame into Chancery by a Significavit, delivering him up to the ſecular arm, Whereupon the king ſigned a writ 'de 'hæretico comburendo' to the ſheriffs of London, who brought him to Smithfield, March 18, 1612, and in the midſt of a vaſt concourſe of people burnt him to death. A pardon was offered at the ſtake, if he would recant, but he refuſed it. The next month Edward Wightman, of Burton upon Trent, was convicted of hereſy by biſhop Neile, and was burnt at Litchfield, April 11. He was charged in the warrant with the hereſies of Arius, Cerinthus, Manichæus, and the Anabaptiſts. — There was another condemned to the fire, but the conſtancy of the

a great turn happened in the doctrine of the Church. The Arminian or Remonſtrant tenets (which had been condemned by the ſynod of Dort) began to ſpread in England. They were eſpouſed by the court and the univerſities (g). The Calviniſtical ſenſe of the articles was diſcouraged, and injunctions were publiſhed againſt preaching upon Predeſtination, Election, Efficacy of Grace, &c. whilſt the Arminians were ſuffered to inculcate their doctrines. As Arminianiſm was firſt embraced by thoſe who were for exalting the prerogative above law, all that adhered to the ſide of liberty, or to the Calviniſtical ſenſe of the articles, though ever ſo good Churchmen, were branded by the court with the name of Puritans. Hence the diſtinction of State or Doctrinal-Puritans, and Diſcipline-Puritans or Diſciplinarians. By this means the Puritans acquired great ſtrength, for the bulk of the people and clergy were at once confounded with them. At the head of the Arminians was Laud, and of the Doctrinal-Puritans, archbiſhop Abbot.

When king Charles I came to the crown, the ſtate of the controverſy between the Church and the Puritans was intirely changed. In the reigns of king James and queen Elilabeth, the Puritans were almoſt all for the Preſbyterian government, but, from the time that Arminianiſm prevailed in the Church, the whole body of Calviniſts came to be called Doctrinal-Puritans. There was no mention, for many years before the civil wars, of the old Book of Diſcipline, (framed by the Puritans in queen Elizabeth's reign) but all ſeemed to unite in a moderate Epiſcopacy (h), and the controverſy ran upon the Doc-

other two ſufferers moved ſuch compaſſion in the ſpectators, that it was thought better to let him linger out a miſerable life in Newgate. Fuller, B. X. 63, 64.

(g) The Predeſtinarian controverſy was begun in 1595, in queen Elizabeth's reign, by Barret, fellow of Caius college, Cambridge, who preached againſt Calvin's doctrine of Predeſtination, &c. for which he was cenſured by the univerſity, and forced to retract in St. Mary's church. He was afterwards ſent to Lambeth, and examined before archbiſhop Whitgift; who enjoined him to confeſs his errors, and not teach the like doctrines for the future; but he choſe rather to quit the univerſity. This gave occaſion for the famous Lambeth-articles, in which the Calviniſtical ſenſe of Predeſtination, Election, and the other controverted points, is ſtrongly aſſerted; and to which the ſcholars in the univerſities were ſtrictly enjoined to conform.

(h) That is, inſtead of a biſhop governing alone a dioceſe of five hundred or a thouſand pariſhes,

Doctrinal Articles, upon the reduction of Epiſcopal Power, and upon Innovations in the Church. For Laud, inſtead of indulging the Puritans, widened the breach between them and the Church, by introducing many new and pompous ceremonies in the public worſhip. Theſe not only made the terms of conformity more difficult, but were inforced both upon the clergy and laity, with all the terrors of the High-commiſſion, to the ruin of many families, and the raiſing very great diſturbances in many parts of the kingdom. Upon theſe proceedings great numbers tranſplanted themſelves and families into America, and gave birth to a ſecond colony in New-England, that of Maſſachuſet's Bay (i).

The Church was now in the height of its ſplendor, Epiſcopacy was declared to be of Apoſtolical, and conſequently of Divine Inſtitution, and the Preſbyterial Government, though challenging the title of Chriſt's Kingdom and Ordinance, to have no foundation in Scripture, nor in the practice of the Church for fifteen-hundred years. The clergy were all obliged, on pain of deprivation, to ſwear that 'they 'approved the doctrine and diſcipline of the Church, and 'would never conſent to alter the government of it by arch-'biſhops, biſhops, deans, and arch-deacons,' &c. The churches were adorned with paintings, images, alter-pieces, &c. and, inſtead of communion-tables, altars were ſet up, and bowings to them and the ſacramental elements enjoyned. The Predeſtinarian doctrines were forbid, not only to be preached, but to be printed, and the Arminian ſenſe of the articles was encouraged and propagated.

pariſhes, by his chancellor, commiſſaries, officials, and other eccleſiaſtical officers, they were for a biſhop or ſtated preſident over a diſtrict of ten or twelve pariſhes, who jointly, with the parochial miniſters, ſhould manage the church affairs of his diſtrict.

(i) It is ſaid, there were eight ſail of ſhips at once, in the ſpring of 1638, in the river of Thames, bound for New-England, and filled with Puritan families, among whom (according to Bates and Dugdale) were Oliver Cromwell, afterwards Protector, John Hampden, Eſq; and Mr. Arthur Haſelrigge, who, ſeeing no end of theſe oppreſſions, were determined to ſpend the remainder of their days in America; but by an order of council, dated May 1, 1638, the ſhips were ſtopped, and the paſſengers commanded to be put on ſhore; and, to prevent the like for the future, the king prohibited all maſters and owners of ſhips to carry any paſſengers to New-England, without a ſpecial licence from the privy-council. Upon which great numbers went over and ſettled in Holland.

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On the other hand, the Puritans loudly complained of theſe innovations, and taxed the authors of them with a deſign to introduce Popery. The more ſeverely they were uſed, the more they increaſed and continued to do ſo, till the meeting of the long parliament in 1640, when the affairs of religion took a new turn.

This parliament being compoſed chiefly of State and Doctrinal Puritans, one of their reſolutions was, 'to redreſs the 'grievances of the Church.' They began with cenſuring the authors of the late innovations, and voted them down. A ſolemn proteſtation was drawn up for all to ſubſcribe, that 'they would maintain the true reformed Proteſtant religion, 'expreſſed in the doctrine of the Church of England, againſt 'all Popery and Popiſh innovations, &c.' The High-Commiſſion Court and Star-Chamber were aboliſhed. The votes and temporal juriſdiction of the biſhops were taken away; and, afterwards, in complaiſance to the Scots, a bill paſſed both houſes for the utter aboliſhing all archbiſhops, biſhops, their chancellors and commiſſaries, deans, chapters, archdeacons, canons, prebends, &c. Thus the diſcipline of the Church was voted away, and no other was erected in its room till ſeveral years after. In this interval, the clergy were permitted to read more or leſs of the Liturgy, as they pleaſed, and to govern their pariſhes according to their diſcretion. The veſtments were left indifferent, ſome wearing them, and others, in imitation of the foreign Proteſtant churches, making uſe of a cloak. The Puritan clergy, being zealous Calviniſts, and having been prohibited for ſome years from preaching againſt the Arminians, now pointed all their artillery againſt them, and inſiſted upon little elſe in their ſermons but Predeſtination, Juſtification by Faith alone, Salvation by Free Grace, and the inability of man to do that which is good. Moral duties were too much neglected, and, from a ſtrong averſion to Arminianiſm, theſe divines made way for Antinomianiſm, running from one extreme to the other, till at laſt ſome of them were loſt in the wild mazes of enthuſiaſtic dreams and viſions, and others, from falſe principles, pretended to juſtify the hidden works of diſhoneſty. In the mean while, the Preſbyterians were labouring the eſtabliſhment of their form of church-government, as 'the diſcipline 'of Jeſus Chriſt,' but in vain; for the parliament, inſtead of complying with a petition to that end, voted it ſcandalous. Nor could they ever obtain the power of the Keys, Excommunication, &c. for which they were continually applying to the parliament. It is true, by an ordinance of Auguſt,

19, 1645, the Preſbyterian church-government became the national eſtabliſhment, as far as an ordinance of the parliament could make it: and, by another of Sept. 1, 1646, Epiſcopacy was aboliſhed, and the Church-lands alienated for payment of the public debts. Notwithſtanding all this, though the hierarchy was deſtroyed, and the beſt, if not all the livings of the kingdom diſtributed among them, the Preſbyterians were not ſatisfied. For it muſt be obſerved, that the Preſbyterian government was more narrow than the Epiſcopal, and allowed not a liberty of conſcience, but claimed a civil as well as eccleſiaſtical authority over men's perſons and properties. Conſequently they were ſtill diſcontented, for want of church-power to cruſh the Sectaries, as they termed all that diſſented from them. Of theſe the Independents were the chief, whoſe opinion it was, that every congregation had power to chuſe or ordain their paſtor, and jointly with him to manage their religious concerns without claſſical or ſynodical aſſemblies, and conſequently they were for univerſal toleration. Theſe two points, Independency of congregations (from whence they were called Congregationaliſts) and Toleration, were the conſtant ſubjects of diſpute between them and the Preſbyterians, who were profeſſed enemies to both. The Preſbyterians inſiſted upon a ſtrict uniformity in worſhip and diſcipline, and bitterly inveighed againſt Toleration, which they called the Great Diana of the Independents. Not content with having their form of Government made the national eſtabliſhment, they were continually ſoliciting the parliament for a coercive power, in order to perſecute all that differed from them. On the other hand the Independents, who multiplied daily, and the Anabaptiſts (who differed from them in little elſe but infant-baptiſm) were as ſtrenuous for toleration and liberty of conſcience, declaring no opinions or ſentiments of religion are cognizable by the magiſtrate any farther than they are inconſiſtent with the peace of the civil government. Little did the Preſbyterian divines think, that in leſs than twenty years all their artillery would be turned againſt them: That they ſhould be excluded the eſtabliſhment by an act of Epiſcopal Uniformity, and reduced to the neceſſity of pleading for that indulgence which they now denied others. Their thoughts were intirely engroſſed with Covenant-Uniformity and the Divine Right of their Preſbytery, which, after all, the parliament would never admit in the extent they deſired.

During theſe proceedings, the Epiſcopal clergy felt in their turn the effects of non-tolerating principles. By an ordinance

nance of the 23d of Auguſt 1645, the Directory was enjoined to be read openly in all churches, under the penalty of forty ſhillings, and whoever ſpoke or acted againſt it was to forfeit from five to fifty pounds. The uſe of the common-prayer-book was forbid, not only in any church or place of public worſhip, but even in any private place or family, under the penalty of five pounds for the firſt offence, ten for the ſecond, and for the third a year's impriſonment. The Covenant was impoſed upon them, and whoever refuſed to take it was ejected. Several thouſands of the parochial clergy loſt their livings, after the civil wars were begun; ſome left them, and fled over to the King's party; others were deprived by the committees of the counties, and, the reſt for refuſing the Covenant. About two hundred maſters and fellows of colleges in Cambridge, beſides inferior ſcholars, were expelled that univerſity; and about nineteen or twenty heads of colleges, beſides fellows, were expelled at Oxford: But nothing ſhews how far the governing Preſbyterians in thoſe days would have carried the uſe of their power, if it had been ſupported by the ſword of the civil magiſtrate, than the ordinance againſt Blaſphemy and Hereſy, which, perhaps, is one of the moſt ſhocking laws to be met with. This ordinance is dated May 2, 1648, and ordains, among other things, that whoever affirms, That there is no God: That God is not omnipreſent, almighty, &c. That the Father is not God, the Son is not God, the Holy Ghoſt is not God, or that theſe three are not one eternal God, or that Chriſt is not God equal to the Father: That the Godhead and Manhood of Chriſt are not diſtinct natures: That the death of Chriſt is not meritorious: That Chriſt is not riſen: That there is no reſurrection or a future judgment: That the Scriptures are not the word of God, &c. ſhall ſuffer death as in caſe of felony. And that whoever ſays, That all men ſhall be ſaved: That man by nature hath free will to turn to God: That man is bound to believe no more than by his reaſon he can comprehend: That the baptiſm of infants is unlawful, &c. ſhall, upon conviction be committed to priſon, till he find ſureties that he will not publiſh or maintain the ſaid error or errors any more. This ordinance was a comprehenſive engine of cruelty, and would have incloſed great numbers, if it had not been laid aſide by the influence of the army, till it was voted to be determined (k). The Preſbyterian government,

(k) In this ordinance, Papiſts, Arminians, Antinomians, Arians, So-

vernment, which, by the former ordinance, had not been abſolutely eſtabliſhed, was at laſt ſettled without limitation of time, by an ordinance of June 21, 1648. This was done without laying any penalty on Recuſants, or ſuch as did not come to the ſacrament, or ſubmit to their diſcipline; which was the utmoſt length that Preſbytery obtained in the kingdom. And therefore, when afterwards many ſectaries ſprung up, as Seekers, Ranters, Quakers, Behemiſts, (whoſe doctrines were almoſt the ſame, though they differed in name) all declaring againſt a ſettled miniſtry, and for the guidance of the 'light within'; and the Independents (who were equally enemies of the Epiſcopal and Preſbyterian uniformity) came to be ſo far maſters, as to hold the Preſbyterians in a ſort of ſubjection (l), the Preſbyterians turned to the thoughts of reſtoring king Charles II, and joined with the Epiſcopalians in that affair, upon the king's declaration of liberty to tender conſciences, and that no man ſhould be diſquieted or called in queſtion for differences of opinion, which did not diſturb the peace of the kingdom. When the king was reſtored, ſome moderate Epiſcopal men thought of an union with the Preſbyterians. But the more politic part of them knew, that all their antient power and revenues would be reſtored to them, and none ſuffered to ſhare with them, but ſuch as were intirely of their mind and way. The Preſbyterians, who were poſſeſſed of moſt of the great benefices in the church and in the univerſities, were in great hopes of favour, not only from the king's declaration, but upon ten or twelve of their divines being made his chaplains in ordinary. By this means they had eaſy acceſs to his majeſty, and, intending to

1660. April 4.

Socinians, Anabaptiſts, Quakers, and the other ſectaries would have been included, if the confuſion of the times had not hindered the Preſbyterians from putting it in execution.

(l) The Preſbyterians were ſo rigid in point of uniformity, as that, in the treaty of the iſle of Wight, they would not allow the king liberty to have the Common-Prayer read privately in his family. Upon which the army, whoſe favourite point was 'liberty of conſcience,' was highly incenſed againſt them, and ſaid, If Preſbyterian conformity ſhould take place, what muſt the Independents and ſectaries expect, ſince the king himſelf was thus uſed by them? What have we been fighting for, if, after all the hazards we have run to ſet up Preſbyt[illegible], we muſt be baniſhed our country, or driven into corners? Thus the rigid uniformity of the Preſbyterians threw the army upon the deſperate meaſures of aſſuming the ſovereign power; bringing the king to juſtice; ſetting aſide the covenant, and erecting a commonwealth.

improve

improve it to the common good, waited upon him with the lord Mancheſter, recommending to his ſerious conſideration the union of his ſubjects in religious matters, for which he had now a moſt happy juncture for effecting, and begging, that only things neceſſary might be the terms of union, and that the true exerciſe of Church-diſcipline might be allowed. The king declared himſelf highly pleaſed with their inclinations to agreement, but told them, that this agreement could not be expected to be compaſſed, but by abating ſomething on both ſides, and therefore deſired them to offer ſome propoſals about Church-government, that being the main difference, and 'to ſet down the moſt they would yield to.' Hereupon they declared, They could not pretend to ſpeak for, or oblige others, and therefore what they did muſt ſignify but the minds of ſuch as were preſent. The king told them, It ſhould be ſo taken. Then they begged, that at the ſame time that they offered their conceſſions, the brethren on the other ſide might alſo bring in theirs, containing the utmoſt they could yield on their ſide, in order to concord. And the king promiſed it ſhould be ſo.

In about three weeks time they agreed to a paper of propoſals, in which they offered to allow of the true ancient preſidency in the church, with a due mixture of Preſbytery, and propoſed that biſhop Uſher's Reduction of Epiſcopacy ſhould be the ground-work of an accommodation. As to the Liturgy, they deſired that a new one might be compiled, or the old reformed; and begged that 'kneeling at the ſacra-'ment' might not be impoſed, and the 'ſurplice, croſs in 'baptiſm,' and bowing at the name of Jeſus rather than Chriſt, might be aboliſhed. The miniſters waiting on the king with their propoſals, he treated them very reſpectfully, told them he was well pleaſed that they were for a Liturgy, and yielded to the eſſence of Epiſcopacy, and promiſed them, that the places, where the old incumbents were dead, ſhould (as they had deſired) be confirmed to the poſſeſſors.

As they expected to meet (according to the king's promiſe) ſome divines of the other ſide, and to ſee their propoſals, it much diſappointed them to find none of them appear. After ſome time of waiting for the compliances of the Epiſcopal divines, they at length received a ſharp anſwer, reflecting on their propoſals, in which Uſher's Reduction was rejected as a heap only of private conceptions, the Liturgy was applauded as unexceptionable, but a reviſal was agreed to in caſe the king thought fit; and, as for the ceremonies, not one could be parted with. It is very remarkable, that, when the Puritans in 1641 would have been ſatisfied with Uſher's ſcheme for

for the reduction of Epiſcopacy, they could not obtain it from the king and biſhops; that afterwards, when the king offered the ſame ſcheme at the treaty of the 'Iſle of Wight,' the parliament and Puritan divines would not accept it, for fear of breaking with the Scots. And now when the Preſbyterian miniſters preſented it to king Charles II, as a model with which they were ſatisfied, both the king and biſhops rejected it with contempt, and would not ſuffer it to be debated (m).

Shortly

(m) Uſher's reduction of Epiſcopacy conſiſted of the four following articles:

I. In every pariſh the rector, or the incumbent paſtor, together with the church-warden and ſideſmen, may every week take notice of ſuch as live ſcandalouſly in that congregation; who are to receive ſuch ſeveral admonitions and reproofs, as the quality of their offence ſhall deſerve; and, if by this means they cannot be reclaimed, they may be preſented unto the next monthly ſynod, and in the mean time be debarred by the paſtor from acceſs unto the Lord's table.

II. Whereas by a ſtatute in the 26th of Hen. VIII. (revived in the 1ſt of queen Elizabeth) ſuffragans are appointed to be erected in twenty-ſix ſeveral places of this kingdom, the number of them might very well be conformed unto the number of the ſeveral rural deaneries, into which every dioceſe is ſubdivided; which being done, the ſuffragan (ſupplying the place of thoſe, who in the ancient church were called Chorepiſcopi) might every month aſſemble a ſynod of all the rectors, or incumbent paſtors, within the precinct, and according to the major part of their voices conclude all matters that ſhould be brought into debate before them. To this ſynod the rector and church-wardens might preſent ſuch impenitent perſons, as by admonition and ſuſpenſion from the ſacrament would not be reformed; who, if they would ſtill remain contumacious and incorrigible, the ſentence of excommunication might be decreed againſt them by the ſynod, and accordingly be executed in the pariſh where they lived. Hitherto alſo things that concerned the parochial miniſters might be referred, whether they did touch their doctrine or their converſation: As alſo the cenſure of all new opinions, hereſies, and ſchiſms, which did ariſe within that circuit; with liberty of appeal, if need ſo require, until the dioceſan ſynod.

III. The dioceſan ſynod might be held once or twice in the year, as it ſhould be thought moſt convenient; therein all the ſuffragans, and the reſt of the rectors or incumbent paſtors, 'or a certain ſelect number out 'of every deanery within that 'dioceſe' might meet; with whoſe conſent, or the major part of them, all things might be concluded by the biſhop or ſuperintendent (call him which you

Shortly after, inſtead of the dioceſan's conceſſions, the miniſters were told, that the king would put all that he ſhould grant them into the form of a declaration, and they ſhould ſee it before it was publiſhed. Accordingly on a day appointed it was read by the chancellor before the king, ſeveral noblemen, and ſome divines of both ſides. Each party was to ſpeak to what they diſliked, and the king to determine how it ſhould be. There were various altercations about prelacy, and re-ordination, and the particulars of the declaration. When the whole was peruſed, the chancellor drew out another paper, intimating, that the king had alſo been petitioned by the Independents and Anabaptiſts for liberty, and therefore he read an additional part to the declaration to this purpoſe; "That others alſo be permitted to meet for religious "worſhip, ſo be it they do it not to the diſturbance of the "peace; and that no juſtice of peace or officer diſturb them." This being deſigned to ſecure liberty to the Papiſts, there was a general ſilence upon the reading it. The biſhops thought it a nice point, and ſaid nothing. The Preſbyterians were afraid to ſpeak againſt it, leſt all the ſects ſhould look upon them as the cauſers of their ſufferings. But at length Mr. Baxter, fearing their ſilence might be miſinterpreted, ſaid, "As they humbly thanked his majeſty for his "declared indulgence to themſelves, ſo they diſtinguiſhed "the tolerable party from the intolerable: For the former, "they humbly craved juſt lenity and favour; but for the

you will) or in his abſence by one of the ſuffragans, whom he ſhould depute in his ſtead to be moderator of that aſſembly. Here all matters of greater moment might be taken into conſideration, and the orders of the monthly ſynods reviſed, and (if need be) reformed. And, if here alſo any matter of difficulty could not receive a full determination, it might be referred to the next provincial or national ſynod.

IV. The provincial ſynod might conſiſt of all the biſhops and ſuffragans, and ſuch of the clergy as ſhould be elected out of every dioceſe within the province. The primate of either province might be the moderator of this meeting (or in his room ſome one of the biſhops appointed by him) and all matters be ordered therein by common conſent, as in the former aſſemblies. This ſynod might be held every third year, and, if the parliament do then ſit, both the primates and provincial ſynods of the land might join together, and make up a national council; wherein all appeals from inferior ſynods might be received, all their acts examined, and all eccleſiaſtical conſtitutions, which concern the ſtate of the church of the whole nation, eſtabliſhed.

"latter

" latter, ſuch as Papiſts and Socinians, they could not make " their toleration their requeſt." To this the king ſaid, " There were laws ſufficient againſt the Papiſts." Baxter replied, " They underſtood the queſtion to be, Whether " thoſe laws ſhould be executed or not?" Upon which the matter was dropped. At length the declaration came out ſo amended, as that it was fitted to be an inſtrument of concord and peace, if ſettled by a law; and ſo the diviſion might have been healed, upon the alteration of the Liturgy, as the declaration promiſed (a).

But

(a) This declaration was dated October 15, 1660, wherein the king thus expreſſes himſelf, " When we were in Holland, " we were attended by many " grave and learned miniſters " from hence, who were looked " upon as the moſt able and " principal aſſertors of Preſbyterian opinions, with whom " we had as much conference, " as the multitude of affairs, " which were then upon us, " would permit us to have: " And, to our great ſatisfaction " and comfort, found them perſons full of affection to us, of " zeal for the peace of the " church and ſtate, and neither " enemies (as they have been " given out to be) of Epiſcopacy or Liturgy; but modeſtly " to deſire ſuch alterations in " either, as, without ſhaking " foundations, might beſt allay " the preſent diſtempers, which " the indiſpoſition of times, and " the tenderneſs of ſome men's " conſciences, had contracted. " For the better doing whereof, " we intended upon our firſt " arrival in theſe kingdoms to " call a ſynod of divines: And " in the mean time publiſhed in " our declaration from Breda a " liberty to tender conſciences. " We need not profeſs the high " eſteem and affection we have " for the Church of England, " as it is eſtabliſhed by law. " Nor do we think that reverence in the leaſt degree diminiſhed by our condeſcenſions, not peremptorily to inſiſt upon ſome particulars of " ceremony, which, however " introduced by the piety, devotion, or order of former " times, may not be ſo agreeable to the preſent; but may " even leſſen that piety and devotion, for the improvement " whereof they might be firſt " introduced, and conſequently " may be well diſpenſed with. " And we have not the leaſt " doubt, but the preſent biſhops will think the preſent " conceſſions now made by us, " to allay the preſent diſtempers, very juſt and reaſonable, " and will very chearfully conform themſelves thereunto:" Of theſe conceſſions, this was the ſubſtance: " The king declared his reſolution to promote the power of godlineſs, " to encourage the exerciſes of " religion both in public and " in private, to take care that " the Lord's day ſhould be applied to holy exerciſes, with-

But, after all, the declaration had no effect, except only a year's ſuſpenſion of the law that afterwards took place; nor as to church-government were any of the conceſſions put in execution.

However, purſuant to a promiſe in the declaration, that the Liturgy ſhould be reviewed, a commiſſion was granted to certain perſons (twelve of a ſide, with nine aſſiſtants to each ſide) to meet for that purpoſe at the Savoy. At the firſt meeting, inſtead of an amicable conference, it was inſiſted upon by the biſhops, that the miniſters ſhould bring all their Exceptions at one time, and all their Additions at another. Accordingly the exceptions were drawn up, and in ſome time offered to the biſhops; and Baxter alone undertook to frame a 'new Liturgy,' which was generally approved of by the miniſters.

This Liturgy (called 'the Reformed Liturgy') being preſented with a petition to the biſhops, they, after ſome delay, ſent the miniſters a paper of reaſonings againſt their exceptions, without any abatements or alterations at all worth the mentioning. An anſwer to which was alſo drawn up. But it is very probable, that neither this anſwer, nor the Reformed Liturgy, were ever read by the generality of the biſhops and doctors, who were preſent at the meetings. So that it ſeems, before they knew what was in them, they were reſolved to reject the papers of the miniſters. After many debates, a diſpute was at laſt agreed on, to argue the neceſſity or no neceſſity of altering the Liturgy. Three of a party were

Baxter's life.

"out unneceſſary diverſifications; and that inſufficient, negligent, and ſcandalous miniſters, ſhould not be permitted in the church. That no biſhops ſhould ordain, or exerciſe any part of juriſdiction, which appertains to the cenſures of the church, without the advice and aſſiſtance of the Preſbyters, and neither do, nor impoſe any thing, but what was according to the known laws of the land; that chancellors, commiſſaries, and officials, ſhould be excluded from acts of juriſdiction, the power of the paſtors in their ſeveral congregations reſtored, and a liberty granted to all the miniſters to aſſemble monthly, for the exerciſe of the paſtoral perſuaſive power, to the promoting of knowledge and godlineſs in their flocks. That the miniſters ſhould be freed from the ſubſcription required by the canon, and the oath of canonical obedience, and receive ordination, inſtitution, and induction, and exerciſe their function, and enjoy the profits of their livings, without being obliged to it: And that the uſe of the ceremonies ſhould be diſpenſed with where they were ſcrupled."

choſen

choſen on each ſide, to manage the diſpute, which was done in writing; and the ſole argument handled, was, 'The Sinfulneſs of injoining Miniſters to deny the Communion to all that dare not kneel.' This diſpute was drawn out to a great length, and ended in exclamations againſt one of the diſputants *, for aſſerting, That a thing, not evil in itſelf, may have accidents ſo evil, as may make it a ſin to him that ſhall command it. As if it followed from thence, Nothing may be commanded, for fear of thoſe evil accidents, in caſes where the commander cannot be chargeable with any hand in them. Whereas his meaning was, That whenever the commanding or forbidding of a thing indifferent is like to occaſion more hurt than good, and this may be foreſeen, the commanding or forbidding it is a ſin.

* Baxter.

Thus ended the diſpute at the Savoy, and all endeavours for reconciliation upon the warrant of the king's commiſſion.

Notwithſtanding theſe diſcouragements, endeavours were uſed to get the king's declaration paſſed into a law, but, when it came to the trial, it was rejected; and ſo the declaration did not only die before it was executed, but all attempts for union were at an end. Nay, a rigorous act was brought in for uniformity, by which all, who did not conform to the Liturgy of the 24th of Auguſt, St. Bartholomew's day, in the year 1662, were deprived of all eccleſiaſtical benefices, without leaving a diſcretional power with the king in the execution of it, and without making proviſion for the maintenance of thoſe who ſhould be deprived: A ſeverity neither practiſed by queen Elizabeth, in the enacting her Liturgy, nor by the parliament in ejecting the royaliſts, in both which, a fifth part of the benefice was reſerved for their ſubſiſtence. Indeed, while the bill was depending, the miniſters, ſtill interpoſing, as they had opportunity, were poſitively promiſed by ſome in great places, that the king would grant that by indulgence, which had been denied in the way they deſired it; and that care ſhould be taken, that the king ſhould have power reſerved to him, to diſpence with the act to ſuch as deſerved well of him at his reſtoration, or whom he pleaſed. But when the act paſſed (by a very few votes) all their great friends left them in the lurch; and when, afterwards, upon encouragement from men in power they drew up a petition for indulgence, they were threatened with incurring a præmunire by ſo bold an attempt, though they had worded it ſo cautiouſly, that it did not extend to the Papiſts. During this interval, the Preſbyterians were under great perplexities. They had many meetings, and much diſputing about conformity.

mity. Reynolds accepted the biſhopric of Norwich, but Calamy and Baxter refuſed the ſees of Litchfield and Hereford. At length, the appointed day came, when about two thouſand miniſters fell under the parliamentary deprivation; whereas, had the terms of the king's declaration been ſtood to, it is affirmed, not above three hundred would have been deprived. This raiſed an outcry over the nation, though few of the Epiſcopal party were troubled at it, or apprehenſive of the ill effects ſuch a ſeverity was like to have. Here were men much valued, ſome on better grounds, others on worſe, who were now ignominiouſly caſt out, reduced to great poverty, provoked by ſpiteful uſage, and thrown upon thoſe popular practices, that both their principles and circumſtances ſeemed to juſtify, of forming ſeparate congregations, and of diverting men from the public worſhip, and from conſidering their ſucceſſors as the lawful paſtors of thoſe churches in which they had ſerved.

Thus, inſtead of healing the religious differences, it was reſolved to widen them, by making the terms of conformity much ſtricter than before the war (b). All perſons were obliged

(b) It had at firſt been reſolved, when the biſhops were reſtored to their power and revenues, inſtead of uſing means to bring in the Diſſenters, to ſeek the moſt effectual methods for caſting them out, and bringing in a new ſet of men into the church. The king was pleaſed with this deſign, though from a different view; for he was in another and deeper laid deſign for introducing Popery, to which he intended to make the heat of the Epiſcopal party ſubſervient. It was thought that a toleration was the only method for ſpreading Popery over the nation; and nothing could make a toleration for Popery paſs, but the having great bodies of men put out of the church, and put under ſevere laws, which ſhould force them to move for a toleration, and ſhould make it reaſonable to grant it to them; and it was reſolved, that whatever ſhould be granted of that ſort ſhould be ſo comprehenſive as to include the Papiſts. Hence the Papiſts were inſtructed to oppoſe all propoſitions for a comprehenſion, and animate the Church-party to maintain their ground againſt all ſectaries. At the ſame time they ſpoke of toleration, as neceſſary both for the peace of the nation and encouragement of trade. The king being thus reſolved on fixing the terms of conformity to what they had been before the war, without making the leaſt abatement or alteration; it is plain, the Savoy conference, and the other appearances of moderation, were never intended to have any effect. The Church-party, out of their old animoſity to the Preſbyterians for

obliged to ſubſcribe an unfeigned aſſent and conſent to all and every particular, contained in the book of Common-Prayer: And all, who had not Epiſcopal ordination, were made incapable of holding any benefice. Inſtead of Indulgence or Comprehenſion, an act paſſed, declaring any meeting for religious worſhip, at which five were preſent more than the family, to be a Conventicle. And every perſon above ſixteen, that was preſent at it, was to lie three months in priſon, or to pay five pounds for the firſt; ſix months for the ſecond, or twenty pounds; and for the third offence, was to be baniſhed to any plantation except New-England, or pay a hundred pounds. During the plague, ſome Nonconformiſts preaching in the empty pulpits, as well as in other places, a ſevere act paſſed in the parliament at Oxford, requiring all ſilenced miniſters to take an oath, declaring it unlawful on any pretence whatſoever, to take arms againſt the king, or any commiſſioned by him, and that they would not at any time endeavour an alteration in the government of the church or ſtate. Such as refuſed this oath were not to come within five miles of any city or corporation, or of the church where they had ſerved. In 1668, a project of a comprehenſion for the Preſbyterians, and of an indulgence for the Independents, and the reſt, was prepared by Bridgman and Wilkins, conſiſting chiefly of thoſe things that the king had promiſed by his declaration in 1660; but this was exclaimed againſt by the Church-party, and the houſe of commons was then ſo poſſeſſed againſt the Nonconformiſts, that, when it was known that a bill was ready to be offered to the houſe for that end, a very extraordinary vote paſſed, that no bill to that purpoſe ſhould be received. After ſtruggling ſeveral years under theſe difficulties, the Diſſenters had a little reſpite by the king's declaration for ſuſpending the execution of all penal laws, both againſt Papiſts and Nonconformiſts. Great endeavours were uſed by the court to perſuade them to make addreſſes upon it, but few were ſo blind as not to ſee it was chiefly deſigned for the ſake of the Papiſts. However, the Preſbyterians, with Dr. Manton at their head, came and thanked the king for it, which offended many of their beſt friends. But this indulgence laſted not long; for the houſe of commons, alarmed at this ſtep in favour of Popery, voted the king's declaration illegal, and paſſed the teſt-act, by

Jan. 30, 1663.

The five-mile act. 1665.

1671-2. March 15.

1673.

for what they had done during the war, helped to carry on the king's deſigns, till his declaration of univerſal indulgence plainly diſcovered his intentions.

which it was enacted, that no man ſhould bear any office or place, who did not take the oaths of allegiance and ſupremacy, and receive the ſacrament, according to the uſage of the Church of England. This act, though intended againſt the Papiſts, affected alſo the Nonconformiſts; however, the friends of the Preſbyterians did not oppoſe it, that an effectual ſecurity againſt Popery might not be prevented. For this reaſon it was, that, when the deſigns of the court for Popery were now fully diſcovered, the ſame houſe of commons, that had paſſed ſuch ſevere acts againſt the Diſſenters, voted the bringing in a bill in their favour, which however was, after a ſecond reading, dropped in the committee. Though this bill was not finiſhed, the prudent behaviour of the Nonconformiſts on this occaſion did ſo ſoften their adverſaries, that no more votes or bills were offered againſt them.

1680. On the contrary, a bill paſſed both houſes for repealing the ſevere act in queen Elizabeth's reign againſt the Puritans; but on the day of prorogation, when the king came to paſs the bills, the clerk of the crown, by the king's particular order, took this bill from the table, and it was no more heard of. However, the commons, in the morning before they were prorogued, paſſed two extraordinary votes, That the laws againſt Popiſh Recuſants ought not to be executed againſt Proteſtant Diſſenters, and, That it was the opinion of the houſe, that the laws againſt the Diſſenters ought not to be executed. Though this ſhewed the ſenſe of the commons, yet, inſtead of being a kindneſs to the Nonconformiſts, it raiſed a ſtorm againſt them, and after the diſſolution of the parliament they were perſecuted afreſh. Orders and directions were ſent from the king and council-board to ſuppreſs all conventicles, and the laws againſt them were rigorouſly executed. Many miniſters were impriſoned, and they and their hearers fined. This perſecution continued all the reſt of the reign of king Charles II; and, when king James aſcended the throne, it was ſtill continued, till the king, to carry on his deſign for the introduction of Popery, iſſued out

1687. April 11. a declaration for liberty of conſcience to all perſons of what perſuaſion ſoever. The Church-party, perceiving that Popery was advancing with large ſteps, inſtead of any longer exclaiming againſt the Diſſenters, thought proper to lay aſide their reſentments, and join with them in promoting the revolution. The biſhops declared in their petition to the king, that their refuſal to read his declaration of indulgence, did not proceed from any want of due tenderneſs to Diſſenters, in relation to whom they were willing to come to ſuch a temper

temper as ſhould be thought fit, when that matter ſhould be conſidered in parliament and convocation. Accordingly it was hoped, by the moderate of all parties, that our religious differences would, in great meaſure, have ceaſed at the revolution, by the union of ſuch Proteſtant Diſſenters with the Church, as expreſſed an inclination towards it: But the proceedings of the firſt convocation in 1689 (of which a large account has been given) ſoon put an end to theſe hopes. The king was ſo far from obtaining a comprehenſion, that the removal of the ſacramental teſt (originally intended againſt the Catholics) and the admiſſion of all his Proteſtant ſubjects into places of truſt, were rejected by the parliament. All that could be done for the Diſſenters was the act of indulgence, whereby they were excuſed from all penalties for their not coming to church, and for going to their ſeparate meetings. This, indeed, was a valuable privilege, as it put an end to all perſecution in matters of conſcience, and ſecured to them the firſt and chief right of human nature, of following the dictates of conſcience in the ſervice of God.

Affairs of the church after the revolution.

The non-juring biſhops and clergy, perſiſting in their refuſal to take the oaths to the government, were depoſed, and their vacant dignities filled up in 1691. Upon this, great conteſts aroſe, and a ſchiſm began to be formed in the church. One ſide aſſerting, that the ſtate could not deprive biſhops of their epiſcopal character, whilſt the others maintained, that princes had power intirely to depoſe them. Theſe conteſts between the two parties in the church were carried on with great warmth, when archbiſhop Sancroft died in 1693. He died in a ſtate of ſeparation from the church; and yet he had not the courage to own it in any public declaration: For, neither living nor dying, did he publiſh any thing concerning it: His death ought to have put an end to the ſchiſm, that ſome were endeavouring to raiſe upon this pretence, that a parliamentary deprivation was never to be allowed, as contrary to the intrinſic power of the church; and therefore they looked on Sancroft as the archbiſhop ſtill, and reckoned Tillotſon an uſurper; and all that joined with him were counted ſchiſmatics; they were willing to forget, as ſome of them did plainly condemn, the deprivations made in the progreſs of the reformation, more particularly thoſe in the firſt parliament of queen Elizabeth's reign, and the deprivations made by the act of uniformity in the year 1662: But, from thence, the controverſy was carried up to the fourth century; and a great deal of angry reading was brought out on both ſides, to juſtify or condemn thoſe proceedings. But arguments will never have

A ſchiſm in the church. 1691.

Sancroft's death. 1693.

the better of intereſt and humour: Yet now, even according to their own pretenſions, the ſchiſm ought to have ceaſed; ſince he, on whoſe account it was ſet up, did never aſſert his right; and therefore that might have been more juſtly conſtrued a tacit yielding it.

1694. Whilſt a ſchiſm was thus forming in the Church, the Diſſenters were no leſs divided about doctrinal matters, and ſuch heats aroſe among them, as juſtly expoſed them to cenſure. Many papers paſſed between the two parties, called Preſbyterian and Congregational, in order to a renunciation of Arminianiſm on one hand, and Antinomianiſm on the other, but to little purpoſe. Some Independents were raiſing the old Antinomian tenets, as if men, by believing in Chriſt, were ſo united to him, that his righteouſneſs became theirs, without any other condition beſides that of their faith: So that, though they acknowledged the obedience to his laws to be neceſſary, they did not call it a condition, but only a conſequence of juſtification. In this, they were oppoſed by moſt of the Preſbyterians, who ſeemed to be ſenſible, that this ſtruck at the root of all religion, as it weakened the obligation to a holy life (c). The Preſbyterians had been alſo engaged in diſputes with the Anabaptiſts. They complained, that they ſaw too great a giddineſs in their people, and ſeemed ſo ſenſible of this, and ſo deſirous to be brought into the Church, that a few inconſiderable conceſſions would very probably have brought the bulk of them into our communion: But the greater part of the clergy were ſo far from any diſpoſition this way, that they ſeemed to be more prejudiced againſt them than ever (d). The Churchmen and Diſſenters

(c) Mr Aſgil, a member of parliament, publiſhed a book, grounded on their notions, on which he had grafted a new and wild inference of his own, that, ſince true believers recovered in Chriſt all that they loſt in Adam, and our natural death was the effect of Adam's ſin, he inferred, that believers were rendered immortal by Chriſt, and not liable to death: And that thoſe who believed, with a true and firm faith, could not die. This was a ſtrain beyond all that ever went before him, and, ſince we ſee that all men die, the natural conſequence that reſulted from this was, that there neither are, or ever were, any true believers.

(d) The quakers had likewiſe a great breach made among them by one George Keith, a Scotchman, educated at Aberdeen. He had been thirty-ſix years among them; he was eſteemed the moſt learned man that ever was in that ſect; he was well verſed both in the oriental

ters being thus both engaged at once (though in different ways) neither ſide could much inſult the other.

This year there was a great conteſt in the church about the doctrine of the Trinity. It ſeems, the Socinians had got conſiderable ground in England ſince the revolution. Many books were printed againſt the Trinity, which were diſperſed by Thomas Firmin (a noted citizen of London) over the nation, and by him diſtributed freely to all who would accept them. By this means it became a common topic of diſcourſe, to treat all myſteries in religion as the contrivances of prieſts, to bring the world into a blind ſubmiſſion to them. Prieſt-craft grew to be another word in faſhion, and the enemies of religion vented all their notions under the cover of theſe words. But, while theſe pretended much zeal for the government, thoſe, who were at work to undermine it, made great uſe of all this; they raiſed a great outcry againſt Socinianiſm, and gave it out, that it was like to over-run all; for archbiſhop Tillotſon, and ſome of the biſhops, had lived in great

1695. Debates about the Trinity.

oriental tongues, in philoſophy, and mathematics; after he had been above thirty years in high eſteem among them, he was ſent to Penſilvania (a colony ſet up by Penn, where they are very numerous) to have the chief direction of the education of their youth. In thoſe parts, he ſaid, he firſt diſcovered that which had been always either denied to him, or ſo diſguiſed that he did not ſuſpect it; but being far out of reach, and in a place where they were maſters, they ſpoke out their mind plainer; and it appeared to him, that they were Deiſts, and that they turned the whole doctrine of the Chriſtian religion into allegories; chiefly thoſe, which relate to the death and reſurrection of Chriſt, and the reconciliation of ſinners to God, by virtue of his croſs: He, being a true Chriſtian, ſet himſelf with great zeal againſt this; upon which they grew weary of him, and ſent him back to England. At his return, he ſet himſelf to read many of their books, and then he diſcovered the myſtery, which was formerly ſo hid from him, that he had not obſerved it: Upon this, he opened a new meeting, and by a printed ſummons he called the whole party, to come and ſee the proof that he had to offer, to convince them of theſe errors: Few Quakers came to his meetings, but great multitudes of other people flocked about him: He brought the Quakers books with him, and read ſuch paſſages out of them, as convinced his hearers, that he had not charged them falſly: He continued theſe meetings, being ſtill, in outward appearance, a Quaker for ſome years; till having prevailed as far as he ſaw any probability of ſucceſs, he laid aſide their exterior, and was reconciled to the church, and took holy orders.

friend-

friendſhip with Firmin, whoſe charitable temper they thought it became them to encourage.

Many divines undertook to write in this controverſy, but they did not all go in the ſame method, nor upon the ſame principles. Dr. Sherlock engaged in the controverſy; he was a clear, a polite, and a ſtrong writer, and had got great credit in the former reign, by his writings againſt thoſe of the church of Rome; but he was apt to aſſume too much to himſelf, and to treat his adverſaries with contempt; this created him many enemies, and made him paſs for an inſolent haughty man; he was at firſt a Jacobite, and while, for not taking the oaths, he was under ſuſpenſion, he wrote againſt the Socinians, in which he took a new method of explaining the Trinity; he thought there were three eternal minds, two of theſe iſſuing from the father, but that theſe were one, by reaſon of a mutual conſciouſneſs in the three to each others thoughts: This was looked on as a plain Tritheiſm; but all the party applauded him and his book. Soon after that, an accident of an odd nature happened.

There was a book drawn up by biſhop Overall, fourſcore years ago, concerning government; in which, its being of a divine inſtitution was very poſitively aſſerted; it was read in convocation, and paſſed by that body, in order to the publiſhing it, in oppoſition to the principles laid down, in that famous book of Parſons the Jeſuit, publiſhed under the name of Doleman; king James the Firſt did not like a convocation entering into ſuch a theory of politics; ſo he wrote a long letter to Abbot, who was afterwards archbiſhop of Canterbury, but was then in the lower houſe; biſhop Burnet had the original, writ all in his own hand, in his poſſeſſion; by it he deſired, that no further progreſs ſhould be made in that matter, and that this book might not be offered to him for his aſſent: Thus that matter ſlept, but Sancroft had got Overall's own book into his hands; and, in the beginning of this reign, he reſolved to publiſh it, as an authentic declaration, that the Church of England had made in this matter; and it was publiſhed, as well as licenſed by him, a very few days before he came under ſuſpenſion, for not taking the oaths: But there was a paragraph or two in it, that they had not conſidered, which was plainly calculated, to juſtify the owning the United Provinces to be a lawful government; For it was there laid down, that, when a change of government was brought to a thorough ſettlement, it was then to be owned and ſubmitted to, as a work of the providence of

God;

God; and a part of king James's letter to Abbot related to this. When Sherlock obſerved this, he had ſome conferences with the party, in order to convince them by that, which he ſaid had convinced himſelf. Soon after that he took the oaths, and was made dean of St. Paul's; he publiſhed an account of the grounds he went on, which drew out many virulent books againſt him; after that, they purſued him with the clamour of Tritheiſm, which was done with much malice, by the very ſame perſons, who had highly magnified the performance, while he was of their party: So powerful is the biaſs of intereſt and paſſion, in the moſt ſpeculative and the moſt important doctrines.

Dr. South, a learned but an ill-natured divine, who had taken the oaths, but with the reſerve of an equivocal ſenſe, which he put on them, attacked Dr. Sherlock's book of the Trinity, not without wit and learning, but without any meaſure of Chriſtian charity, and without any regard, either to the dignity of the ſubject, or the decencies of his profeſſion. He explained the Trinity in the common method, that the Deity was one eſſence in three ſubſiſtencies; Sherlock replied, and charged this as Sabellianiſm; and ſome others went into the diſpute, with ſome learning, but with more heat. A fellow of Univerſity college in Oxford, in a public ſermon, preached Dr. Sherlock's notions, and aſſerted, 'That there 'were three diſtinct minds and ſubſtances in the Trinity;' and alſo, 'That the Three Perſons in the Trinity are three 'diſtinct minds or ſpirits, and three individual ſubſtances.' The friends of Dr. South making complaint of theſe words, the heads of theſe colleges, Nov. 25, 1695, cauſed them to be cenſured by a ſolemn decree in convocation, wherein they were declared to be 'falſe, impious, and heretical,' and all perſons, under their inſtitution or care, were required to affirm no ſuch doctrine, either by preaching or otherwiſe. When Sherlock's book was firſt publiſhed, it met (as was ſaid) with a general applauſe; and Firmin was told, that, if it did not reclaim him from his hereſy, it would riſe up in judgment againſt him. But, when the Oxford decree came abroad, his former abettors intirely deſerted him: And now ſaid, Univerſities ſpeak but ſeldom, and by way of authority; but, as they interpoſe but rarely, it is always with certainty. Thus the ſame perſons who had boaſted of his book (not only as orthodox, but) as unanſwerable, now turned about, and as much approved the Oxford decree. Sherlock (who uſed to ſay, 'I am ſure I am right') quickly publiſhed his Examination of this decree, wherein he ſays *, "Theſe Decree- * p. 46.

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" ing and Hereſy-making heads of colleges have condemned " the true catholic faith, the Nicene faith, and the faith of " the Church of England." Adding, in the ſame page, " Three Divine Perſons, who are not three diſtinct minds " and ſubſtances, is not greater Hereſy than it is Nonſenſe." As Sherlock wrote againſt the Oxford cenſure with the higheſt ſtrains of contempt, ſo the Socinians triumphed not a little upon all this, and in ſeveral of their books divided their adverſaries into 'real' and 'nominal' Trinitarians; Sherlock was put into the firſt claſs; as for the ſecond claſs, they pretended, it had been the doctrine of the weſtern church, ever ſince the fourth Lateran council (e).

(e) For the better underſtanding theſe matters, it will be proper briefly to ſtate the Trinitarian, Arian, and Socinian doctrines of the Trinity.

The Trinitarians (called by their adverſaries Athanaſians) believe that in the Godhead there are three co equal and co-eternal Perſons, the Father, the Son, and the Holy Ghoſt, each ſingly God, and all three as exiſting in the ſame undivided ſubſtance but one God.

The Arians on the contrary, believe the Father only to be the ſupreme God, and that the Son and Holy Ghoſt derived, before all ages, their being from him, and are ſubordinate to him.

The Socinians alſo believe the Father alone to be the ſupreme God, and aſſirm the Son had no exiſtence before his miraculous conception and birth, and that the Holy Ghoſt, or Spirit of God, is not a real perſon, but only the power, operation, or influence, of the Father.

From the different manner of explaining the word Perſon, the Trinitarians are called nominal or real.

Nominal Trinitarians explain the Three Perſons by three Modes (or manners) of ſubſiſtence, or by three differences in the Godhead, Such were Wallis, South, Tillotſon, &c. This explanation borders upon Sabellianiſm, and differs but little from Socinianiſm. The Real Trinitarians believe the Three Perſons to be three intelligent Agents, having each an underſtanding and will; ſuch was Sherlock at the time of this controverſy, and ſuch was the late Dr. Waterland, whoſe explication of the Trinity ſeems now to be generally received; namely, there are Three Perſons or intelligent Agents exiſting in one undivided ſubſtance, and as they thus exiſt in the ſame undivided ſubſtance, they are all Three but one God.

The Trinitarians charge their adverſaries with aſſerting Blaſphemy, and denying the Divinity of their Saviour; on the other hand, the Arians and Socinians charge the Trinitarians with denying the Supremacy of the Father, with Tritheiſm or having three Gods, and with aſſerting impoſſibilities, abſurdities, and contradictions.

The

The ill effects that were like to follow, on thoſe different explanations, made the biſhops move the king to ſet out the following injunctions for unity in the church, and purity of faith, concerning the Trinity, which were to be publiſhed in the ſeveral dioceſes: The king's injunctions. Feb. 3. 1695.

"I. That no preacher whatſoever, in his ſermon or lecture, do preſume to deliver any other doctrine concerning the bleſſed Trinity, than what is contained in the holy Scriptures, and is agreeable to the three creeds, and the thirty-nine articles of religion.

"II. That, in the explication of this doctrine, they carefully avoid all new terms, and confine themſelves to ſuch ways of explication, as have been commonly uſed in the Church.

"III. That care be taken in this matter, eſpecially to obſerve the fifty-third canon of this church, which forbids public oppoſition between preachers; and that, above all things, they abſtain from bitter invectives, and ſcurrilous language againſt all perſons whatſoever.

"IV. That the foregoing directions be alſo obſerved by thoſe who write any thing concerning the ſaid doctrine."

With theſe injunctions, archbiſhop Tenniſon alſo ſent forth his circular letters, containing many rules and orders for general obſervation. July 26.

This put a ſtop to thoſe debates, as Firmin's death put a ſtop to the ſpreading of Socinian books (f).

The Diſſenters ſtill continued their doctrinal contentions. An attempt was now made for a re-union among them. There was an offer on one ſide to renounce the Arminian, if the other ſide would renounce the Antinomian tenets; but it did not ſucceed. The Diſſenters ſtill divided. 1696.

Upon all theſe proceedings, ſome angry clergymen, who had not that ſhare of preferment, that they thought they de- 1697. 1698.

(f) Firmin died in 1698. He was in great eſteem for promoting many charitable deſigns, for looking after the poor of the city, and ſetting them to work; for raiſing great ſums for ſchools and hoſpitals, and indeed, for charities of all ſorts, private and public: He had ſuch credit with the richeſt citizens, that he had the command of great wealth, as oft as there was occaſion for it; and he laid out his own time chiefly, in advancing all ſuch deſigns: Theſe things gained him a great reputation: He was called a Socinian, but was really an Arian, which he very freely owned before the revolution; but he gave no public vent to it till after the revolution, when he ſtudied to promote his opinions with much heat.

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ſerved, begun to complain, that no convocation was ſuffered to ſit, to whom the judging, in ſuch points, ſeemed moſt properly to belong: Books were writ on this head; it was ſaid, that the law made in king Henry the Eighth's time, that limited the power of that body, ſo that no new canons could be attempted or put in uſe, without the king's licence and conſent, did not diſable them from ſitting: On the contrary, a convocation was held to be a part of the parliament, ſo that it ought always to attend upon it, and to be ready, when adviſed with, to give their opinions chiefly in matters of religion. They had alſo, as theſe men pretended, a right to prepare articles and canons, and to lay them before the king, who might indeed deny his aſſent to them, as he did to bills, that were offered him by both houſes of parliament. This led them to ſtrike at the king's ſupremacy, and to aſſert the intrinſic power of the Church, which had been diſowned by this Church, ever ſince the time of the reformation: And indeed, the king's ſupremacy was thought to be carried formerly too high, and that by the ſame ſort of men, who were now ſtudying to lay it as low. It ſeemed, that ſome men were for maintaining it, as long as it was in their management, and that it made for them; but reſolved to weaken it, all they could, as ſoon as it went out of their hands, and was no more at their diſcretion: Such a turn do men's intereſts and partialities give to their opinions.

The biſhop of St. David's deprived for ſimony. 1699.

This year a proceſs for ſimony againſt biſhop Watſon was brought to a ſentence and concluſion. He was promoted by king James to the biſhoprick of St. David's; it was believed that he gave money for his advancement, and that, in order to the reimburſing himſelf, he ſold moſt of the ſpiritual preferments in his gift: By the law and cuſtom of this Church, the archbiſhop is the only judge of a biſhop, but, upon ſuch occaſions, he calls for the aſſiſtance of ſome of the biſhops; he called for ſix in this cauſe; it was proved, that the biſhop had collated a nephew of his to a great many of the beſt preferments in his gift, and that, for many years, he had taken the whole profits of theſe to himſelf, keeping his nephew very poor, and obliging him to perform no part of his duty: It was alſo proved, that the biſhop obtained leave to keep a benefice, which he held before his promotion by a Commendam (one of the abuſes, which the popes brought in among us, from which we have not been able hitherto to free our church) he had ſold both the cure and the profits to a clergyman, for a ſum of money, and had obliged himſelf to reſign it upon demand, that is, as ſoon as the clergyman could, by ano-

another ſum, purchaſe the next preſentation of the patron: Theſe things were fully proved. To theſe was added a charge of many oppreſſive fees, which being taken for benefices, that were in his gift, were not only extortion, but a preſumptive ſimony: All theſe he had taken himſelf, without making uſe of a regiſter or actuary; for, as he would not truſt thoſe ſecrets to any other, ſo he ſwallowed up the fees, both of his chancellor and regiſter; he had alſo ordained many perſons, without tendering them the oaths enjoined by law; and yet, in their letters of orders, he had certified under his hand and ſeal, that they had taken thoſe oaths; this was, what the law calls 'crimen falſi,' the certifying that which he knew to be falſe; no exceptions lay to the witneſſes, by whom theſe things were made out, nor did the biſhop bring any proofs, on his ſide, to contradict their evidence; ſome affirmed, that he was a ſober and regular man, and that he ſpoke often of ſimony with ſuch deteſtation, that they could not think him capable of committing it: The biſhop of Rocheſter withdrew from the court, on the day on which ſentence was to be given; he conſented to a ſuſpenſion, but he did not think that a biſhop could be deprived by the archbiſhop: When the court ſat to give judgment, the biſhop reſumed his privilege of peerage, and pleaded it; but he, having waved it in the houſe of lords, and having gone on ſtill ſubmitting to the court, no regard was had to this, ſince a plea to the juriſdiction of the court was to be offered in the firſt inſtance, but could not be kept up to the laſt, and then be made uſe of: The biſhops, that were preſent, agreed to a ſentence of deprivation. He was a very ill man in all reſpects, paſſionate, covetous, and falſe in the blackeſt inſtances, without one good quality to balance his many bad ones. But, as he was advanced by king James, ſo he ſtuck firm to that intereſt; and the party, though aſhamed of him, yet were reſolved to ſupport him with great zeal. He appealed to a court of delegates, and they, about the end of the year, confirmed the archbiſhop's ſentence.

Another proſecution followed for ſimony againſt Jones, biſhop of St. Aſaph. In which, though the preſumptions were very great, yet the evidence was not ſo clear as in the former caſe; the biſhops in Wales give almoſt all the benefices in their dioceſes; ſo this primitive conſtitution, that is ſtill preſerved among them, was ſcandalouſly abuſed by ſome wicked men, who ſet holy things to ſale, and thereby increaſed the prejudices, that are but too eaſily received, both againſt religion and the Church.

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An eccleſiaſtical commiſſion for diſpoſing of church preferments. 1700.

The king, during the queen's life, left the affairs and promotions in the Church wholly in her hands. He found he could not reſiſt importunities, which were not only vexatious to him, but had drawn preferments from him, which he came quickly to ſee were ill beſtowed. Wherefore, as this was an article of government, for which he thought himſelf unqualified, yet was unwilling to commit to his miniſters, he devolved it upon the queen, which ſhe managed with ſtrict and religious prudence (g). She conſulted chiefly with archbiſhop Tillotſon, whom ſhe favoured, and ſupported in a moſt particular manner. The queen openly declared againſt preferring thoſe who put in for themſelves, and took care to inform herſelf particularly of the merits of ſuch of the clergy, as were not ſo much as known at court, nor uſing any methods to get themſelves recommended. Upon the queen's death, a commiſſion was granted to the two archbiſhops, and four other biſhops, and renewed in 1700, whereby they, or any three of them, were appointed to recommend to all biſhopricks, deaneries, or other vacant preferments in the church, ſignifying the ſame to his majeſty, by writing under their hands. And, during the king's abſence beyond ſea, they were impowered, of their own authority, to preſent to all benefices in the gift of the crown, under the value of one hundred and forty pounds a year (h). It was hoped that this courſe would produce at length a great change in the church, and in the temper of the clergy. This commiſſion gave great offence to the diſcontended part of the clergy, and the new miniſtry often preſſed the king to diſſolve it. Thoſe of the clergy (who began now to be called the High-church party,

(g) There is a particular inſtance mentioned by biſhop Burnet of the queen's care in diſpoſing of biſhopricks. When lord Sidney was lord-lieutenant of Ireland, he was ſo far engaged in the intereſt of a great family in Ireland, that he was too eaſily wrought on, to recommend a branch of it to a vacant ſee. The repreſentation was made with an undue character of the perſon: So the queen granted it. But, when ſhe underſtood, that he lay under a very bad character, ſhe wrote a letter in her own hand to lord Sidney, letting him know what ſhe had heard, and ordered him to call for ſix Iriſh biſhops, whom ſhe named to him, and to require them to certify to her their opinion of that perſon: They all agreed, that he laboured under an ill fame, and, till that was examined into, they did not think it proper to promote him: ſo that matter was let fall.

(h) The four biſhops were Sarum, Worceſter, Ely, and Norwich. The firſt commiſſion was dated May 9, 1700.

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and among whom ſome great preferments had at firſt been given, to try if it were poſſible to ſoften them, and win them to be hearty to the government) when they ſaw preferments went in another channel, ſet up a complaint over all England of the want of convocations, that they were not allowed to ſit or act with a free liberty, to conſider of the grievances of the clergy, and of the danger the church was in. This was a new pretenſion, never thought of ſince the reformation. Some books were writ to juſtify it, with great acrimony of ſtile, and a high ſtrain of inſolence, eſpecially 'A 'Letter to a Convocation-Man, by Mr. Francis Atterbury.' This author (who in the courſe of this hiſtory will often be mentioned) had very good parts, great learning, was an excellent preacher, and had many extraordinary things in him, but was both ambitious and virulent out of meaſure. He had a ſingular talent in aſſerting paradoxes with a great air of aſſurance, ſhewing no ſhame when he was detected in them, though this was done in many inſtances. Nor did he, in ſuch caſes, either confeſs his errors, or pretend to juſtify himſelf, but went on ſtill venting new falſhoods, in ſo barefaced a manner that he ſeemed to outdo the Jeſuits themſelves. He thought the government had ſo little ſtrength or credit, that any claim againſt it would be well received. He attacked the ſupremacy of the crown, with relation to eccleſiaſtical matters, which had been hitherto maintained by all our divines with great zeal. But now the hot men of the clergy did ſo readily entertain his notions, that in them it appeared, that thoſe who are moſt earneſt in the defence of certain points, when theſe points ſeem to be for them, can very ſuddenly change their minds upon a change of circumſtances (a).

Complaints for want of a convocation to ſit and act.

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(a) An eminent inſtance of this had appeared in the houſe of peers in the laſt ſeſſion, when Dr. Watſon, the deprived biſhop of St. David's, complained of the archbiſhop of Canterbury: Firſt, for breach of privilege, ſince ſentence was paſſed upon him, though he had in court claimed privilege of parliament, to which no regard had been paid: But, as he had waved his privilege in the houſe of lords, it was carried after a long debate, and by no great majority, that, in that caſe, he could not reſume his privilege. He excepted next to the archbiſhop's juriſdiction, and pretended that he could not judge a biſhop, but in a ſynod of the biſhops of the province, according to the rules of the primitive times: In oppoſition to this, it was ſhewn, that, from the ninth and tenth century downward, both popes and kings had concurred to bring this power ſingly into the

A convocation had been ſummoned with every new parliament; but, after the firſt convocation, in 1689, had (as was related) diſcovered their averſion to the ſcheme of comprehenſion, which was to be laid before them, and expreſſed their reſolution to do nothing in it, the king (according to the practice of king Charles II.) had ordered the convocation to be regularly prorogued, and never ſuffered them to ſit. This, by degrees, gave a handle of complaint, as if the clergy were debarred from the rights and liberties of meeting and acting in convocation. But, upon the king's putting the government into the hands of the Tories, the new miniſtry, when they undertook to ſerve the king, made it one of their demands, that a convocation ſhould have leave to ſit, which was promiſed; and accordingly a convocation was ſummoned to meet, the 10th of February 1700-1, which was allowed to ſit and act. Mr. Atterbury's book, concerning the rights of a convocation, was reprinted with great corrections and additions; the firſt edition was drawn out of ſome imperfect

A convocation meets, Feb. 10. 1700-1.

hands of the metropolitans; that this was the conſtant practice in England before the reformation; that by the proviſional clauſe, in the act paſſed in the twenty-fifth of Henry the Eighth, that impowered thirty-two perſons to draw a new body of church-laws, all former laws or cuſtoms were to continue in force, till that new body was prepared: So that the power, the metropolitan then was poſſeſſed of, ſtood confirmed by that clauſe: It is true, during the high-commiſſion, all proceedings againſt biſhops were brought before that court, which proceeded in a ſummary way, and againſt whoſe ſentence no appeal lay: But, after that court was taken away, a full declaration was made by an act of parliament, for continuing the power that was lodged with the metropolitan. It was alſo urged, that, if the biſhop had any exception to the archbiſhop's juriſdiction, that ought to have been pleaded in the firſt inſtance, and not reſerved to the concluſion of all: Nor could the archbiſhop erect a new court, or proceed in the trial of a biſhop in any other way, than in that, which was warranted by law or precedent: To all this no anſwer was made, but the buſineſs was kept up, and put off by many delays: It was ſaid, the thing was new, and the houſe was not yet well apprized of it; and the laſt time, in which the debate was taken up in the houſe, it ended in an intimation, that it was hoped the king would not fill that ſee, till the houſe ſhould be better ſatisfied, in the point of the archbiſhop's authority: So the biſhopric was not diſpoſed of for ſome years: And this uncertainty put a great delay to the proceſs of Jones, the other Welſh biſhop, accuſed of the ſame crime. Burnet II. 250.

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and diſorderly collections, and he himſelf ſoon ſaw, that, notwithſtanding the aſſurance and the virulence with which it was writ, he had made many great miſtakes in it; ſo, to prevent a diſcovery from other hands, he corrected his book in many important matters; yet he left a great deal to thoſe who anſwered him, and did it with ſuch a ſuperiority of argument and of knowledge in theſe matters, that his inſolence in deſpiſing theſe anſwers was as extraordinary, as the parties adhering to him after ſuch manifeſt diſcoveries. Dr. Kennet laid him ſo open, not only in many particulars, but in a thread of ignorance that ran through his whole book, that, if he had not had a meaſure of confidence peculiar to himſelf, he muſt have been much humbled under it. The clergy hoped to recover many loſt privileges by the help of his performances; they fancied they had a right to be a part of the parliament, ſo they looked on him as their champion, and on moſt of the biſhops as the betrayers of the rights of the Church: This was encouraged by the new miniſtry; they were diſpleaſed with the biſhops for adhering to the old miniſtry; and they hoped, by the terror of a convocation, to have forced them to apply to them for ſhelter. The Jacobites intended to put us all in ſuch a flame, as they hoped would diſorder the government. The things the convocation pretended to, were firſt, that they had a right to ſit whenſoever the parliament ſate; ſo that they could not be prorogued, but when the two houſes were prorogued: Next they advanced, that they had no need of a licence to enter upon debates, and to prepare matters, though it was confeſſed, that the practice for an hundred years was againſt them; but they thought the convocation lay under no farther reſtraint, than that the parliament was under; and, as they could paſs no act without the royal aſſent, ſo they confeſſed that they could not enact or publiſh a canon without the king's licence. Anciently the clergy granted their own ſubſidies apart; but, ever ſince the reformation, the grant of the convocation was not thought good, till it was ratified in parliament; but the rule of ſubſidies being ſo high on the clergy, they had ſubmitted to be taxed by the houſe of commons ever ſince the year 1665, though no memorials were left to inform us, how that matter was conſented to ſo generally, that no oppoſition of any ſort was made to it; the giving of money being yielded up, which was the chief buſineſs of convocations, they had after that nothing to do; ſo they ſat only for form's ſake, and were adjourned of courſe; nor did they ever pretend, notwithſtanding all the danger that religion was

in during the former reigns, to ſit and act as a ſynod; but now this was demanded as a right, and they complained of their being ſo often prorogued, as a violation of their conſtitution, for which all the biſhops, but more particularly the archbiſhop of Canterbury, was cried out on; they ſaid, that he and the biſhops looked ſo much to their own intereſts, that they forgot the intereſts of the Church, or rather betrayed them: The greater part of the clergy were in no good temper; they hated the toleration, and were heavily charged with the taxes, which made them very uneaſy; and this diſpoſed them to be ſoon inflamed by thoſe, who were ſeeking out all poſſible methods to diſorder our affairs: They hoped to have engaged them againſt the ſupremacy, and reckoned, that, in the feeble ſtate to which the government was now brought, they might hope either to wreſt it quite from the crown, and then it would fall into the management of the houſe of commons; or, if the king ſhould proceed againſt them according to the ſtatute, and ſue them in a premunire, this might unite the clergy into ſuch an oppoſition to the government, as would probably throw us into great convulſions: But many aſpiring men among them, had no other deſign, but to force themſelves into preferment, by the oppoſition they made. In the writ that the biſhops had, ſummoning them to parliament, the clauſe, known by the firſt word of it, Præmunientes, was ſtill continued: At firſt, by virtue of it, the inferior clergy were required to come to parliament, and to conſent to the aids there given: But, after the archbiſhops had the provincial writ, for a convocation of the province, the other was no more executed, though it was ſtill kept in the writ, and there did not appear the leaſt ſhadow of any uſe that had been made of it, for ſome hundreds of years; yet now ſome biſhops were prevailed on, to execute this clauſe, and to ſummon the clergy by virtue of it (b). The convocation was opened

(b) In the biſhops writ of ſummons to parliament, there is a clauſe ordering them to ſummon to parliament the dean, chapter, archdeacons, and clergy of their reſpective dioceſes. As this clauſe, called the Præmunientes clauſe, was ſometimes omitted in the parliamentary writs, Dr. Brady fixes the conſtant uſage of it from the 28th year of Ed. III. 1353. "The biſhops, abbots, and priors, to whom particular writs are directed, are ſummoned "cum prædictis prælatis magnatibus et proceribus ſupradictis "negotiis tractaturi, veſtrumque "conſilium impenſuri." In the firſt writ now extant, in which the inferior clergy were ſummoned, the 23d of Ed. I. they were

opened with ſpeeches, full of ſharp reflections on the biſhops, which they paſſed over, being unwilling to begin a diſpute.

Dr.

were ſummoned 'ad tractan-'dum, ordinandum et facien-'dum nobiſcum, &c.' which is the ſame ſtile that was uſed in the writs directed at the ſame time to the temporal lords. In the 24th of Ed. I. they are ſummoned 'ad ordinandum de 'quantitate et modo ſubſidii.' In the writ of the 28th of Ed. I. it is, 'ad faciendum et conſen-'tiendum hiis quæ tunc de com-'muni conſilio, favente Domi-'no) ordinari contigerit.' This form continued to the 20th of Ed. II. and after that to the 10th of Ed. III. The 20th of Ed. II. it began to be 'ad con-'ſentiendum hiis quæ tunc, &c.' Afterwards to the 5th of Rich. II. it was ſometimes 'ad faciendum et conſentiendum;' ſometimes, but more often, 'ad conſentiendum' only. From the laſt parliament of that year down to theſe times, it has all along continued ſo. The clauſe now is always in theſe words: 'Præ-'monentes decanum et capitu-'lum eccleſiæ veſtræ Cant. ac 'archidiaconos totumque clerum 'veſtrum dioceſ. quod iidem 'decanus et archidiaconi in pro-'priis perſonis ſuis prædictum 'capitulum per unum, idemque 'clerus per duos procuratores 'idoneos, plenam et ſufficien-'tem poteſtatem ab ipſis capi-'tulo & clero diviſim habentes, 'prædictis die et loco perſonali-'ter interſint, ad conſentiendum 'hiis quæ tunc ibidem de com-'muni conſilio dicti regni noſtri 'divinâ favente clementia con-'tigerit ordinari.' From the inferior clergy being thus ſummoned to parliament, a diſpute was now ſet on foot, whether theſe Parliamentary Aſſemblies were all Eccleſiaſtical ſynods. Atterbury aſſerted, a convocation is an attendant upon a parliament of England. The clergy were brought to parliament by the Præmunientes clauſe. But in proceſs of time, by a miſtake in their politicks, they were ſeparated from the parliament, and yet ſtill continued to attend it in two provincial aſſemblies or convocations: Which, as they meet for the ſame purpoſe, and had the ſame reaſons of ſtate inſerted into their writs of ſummons as the parliament had, ſo did they keep cloſely to the forms, and rules, and manner of ſitting and acting, practiſed in parliament, and they had parliamentary wages and parliamentary privileges, and attended the parliament as one of the Three States of the realm. Theſe parliamentary convocations came in the room of provincial councils, which from the beginning of Chriſtianity met twice a year, and needed no leave. He farther aſſerts, the clergy have not only a right to meet and ſit in convocation as often as a new parliament ſits, but a right alſo (when met) of treating and debating about ſuch affairs as lie within their ſphere, and of coming to fit reſolutions about them, without being obliged antecedently to qualify themſelves for ſuch acts and debates by a licence under

The archbiſhop's power of adjourning diſputed.

Dr. Hooper, dean of Canterbury, was choſen prolocutor, a man of learning and good conduct hitherto; he was reſerved, crafty, and ambitious; his deanery had not ſoftened him, for he thought

the broad ſeal of England. Though they cannot make a canon, yet they ſpeak the ſenſe of the whole clergy of the kingdom in matters proper for them to intermeddle in: They may petition, adviſe, addreſs, repreſent, give their judgment where it may be deſired, or their cenſures either of men or books where it may be needful: And ſuggeſt the fitteſt methods of ſecuring the Chriſtian faith, and preventing the revival of old hereſies and errors, and the growth of new ones. He alſo aſſerts, that the Præmunientes in the biſhops writ is not an idle uſeleſs clauſe, inſerted only on a particular occaſion, and continued by accident, but a real and effectual ſummons of the clergy to parliament; ſuch as they heretofore made formal returns to, as often as it went out, and did expreſly obey: and this he gives inſtances till the time of Henry VIII. And then undertakes to prove, that the writ to the two archbiſhops to convene the clergy of their provinces, though it does not expreſly mention a parliament, yet has an immediate reference to it: The original deſign of its iſſuing out, together with the biſhop's writ, being only to ſecure an obedience to the præmunitory clauſe of it, and to make the clergy's parliamentary attendance the more full and certain.

On the contrary, Konnat aſſerts, Diœceſan Synods are more ancient than Provincial. That Preſbyters are no authoritative part of Provincial Synods. That Capitular Proctors were ſummoned to our convocations, not for counſel or neceſſary conſent in ſpiritual affairs, but for ſecular poſſeſſions and civil rights, which were often there treated of; and to ſupport the government with the irreſiſtible aid and taxes. He diſtinguiſhes between true Eccleſiaſtical Synods, which had no authority in, or dependence on, the parliament, and Parliamentary aſſemblies of the clergy.

He ſays, That the lower clergy for many ages did not come to provincial ſynods, but for a dutiful attendance on the biſhops, and offered only a ſubmiſſive approbation of their acts: And that their coming to parliamentary aſſemblies, was to give money. And that it was by degrees found expedient, that the ſame clergy, as was ſummoned to the national parliament, ſhould at the ſame time be ſummoned to a provincial ſynod or aſſembly, concurrent with that parliament. But this was by another writ, beſides that contained in the biſhop's ſummons, with the clauſe Præmunientes: And even by another writ from the king. And he charges Mr. Atterbury with miſerable confuſion all along, as if he thought every parliamentary meeting of the clergy, to be an eccleſiaſtical ſynod, and every eccleſiaſtical ſynod, to be a parliamentary body of the clergy; than which

nothing

thought he deſerved to be raiſed much higher. He was preſented on the 21ſt of February the day appointed, by Dr. Jane, dean of Glouceſter, and approved and confirmed in the uſual manner. The conſtant method of adjournment had been this: The archbiſhop ſigned a ſchedule for that purpoſe, by which the upper houſe was immediately adjourned; and the ſchedule, being ſent down to the prolocutor, did alſo adjourn the lower houſe. The clergy perceiving, that by this method the archbiſhop could adjourn them at pleaſure, and either hinder or break off all debates, reſolved to begin at diſputing this point. In the next ſeſſion there-

nothing more falſe in fact and law. He takes a great deal of pains to rectify the matter of the Præmunientes clauſe. And then ſays, That 'the Engliſh clergy, 'in their own parliamentary 'convocations, taxed their own 'body, to the 15 Car. II. 1663; 'when in a following ſeſſions of 'parliament in 1664, by meaſures wiſely concerted between 'the governors of the church, 'and the leading members of 'the houſe of commons, the 'clergy were in ſilence to recede from the cuſtomary right 'of taxing themſelves apart 'from the laity: And all their 'eccleſiaſtical benefices were to 'be now aſſeſſed, (as their temporal eſtates were before) 'upon the ſame foot and level 'with all other Engliſh ſubjects 'in the bills beginning in the 'houſe of commons.' And thus departing from their ancient practice of taxing themſelves, the end of the Præmunientes he ſays was loſt. Rectors and vicars being now taxed for their glebe and tithes, by the commons, have a vote in electing members: And therefore have the leſs occaſion to be now repreſented by any members of their own body.

Hody conſiders a convocation either in itſelf, as it is a ſynod, and called by the archbiſhop's mandate, or as it is a part of the parliament, and ſummoned by a royal writ directed to each particular biſhop. He obſerves, they that are ſummoned by the Præmunientes clauſe, have not ſat in parliament for ſome hundreds of years. For ſome ages together, the writ has been ſeldom executed, or if executed, never effectually obeyed; that is, it has not been ſo obeyed, as to be returned into the crown-office, and no one, for ſome ages, has been ſo conſtituted a proxy for any of the inferior clergy, as to be ſent up on that errand. After many remarks upon the Præmunientes clauſe, he concludes, that it was continued in the writs, after it became a conſtant cuſtom for the clergy to meet in a ſeparate body by virtue of the archbiſhop's mandate, that thereby our princes might aſſert their right of calling the clergy (if they pleaſe) to parliament; which the clergy oppoſed, as an invaſion and inroad upon their liberties.

fore, February 25, when the archbiſhop's ſchedule was brought down to the lower houſe, which was legally to determine the ſeſſion, in contempt of it they continued ſitting, and proceeded in ſome debates of no moment. After which, the prolocutor intimated an adjournment by conſent of the houſe, to meet again in Henry VII's chapel, inſtead of the adjournment to meet in the Jeruſalem Chamber, as by the ſchedule, which expreſsly included the whole body of the convocation, and left no pretence to ſeparate adjournments in either houſe. The archbiſhop, and a far greater part of his ſuffragans, looked on this proceeding of the lower houſe as a declaration of ſetting up a ſeparate intereſt and power, that would break the union of the provincial ſynod, and prevent the good correſpondence of both houſes, and ſo fruſtrate the common methods of doing any buſineſs. In the fourth ſeſſion, Feb. 28, the prolocutor and clergy did not attend the archbiſhop and biſhops in the ſynodical place, the Jeruſalem Chamber; which was interpreted to be a ſecond contempt of the authority of the preſident, and the obligation of his inſtrument, the ſchedule, proroguing and continuing the whole body of prelates and clergy.

The archbiſhop ſent for the prolocutor, and, with the conſent of his brethren, put thoſe two queſtions to him: 1. Whether the lower houſe of convocation did ſit, after they were prorogued by his grace on the 25th inſtant? 2. Whether they did meet this morning, without attending in this place, to which they were prorogued? Upon ſome diſcourſe the prolocutor ſaid, That the lower houſe was preparing ſomewhat to lay before his grace and the upper houſe, concerning the methods of prorogation, and ſome other things of form. The archbiſhop anſwered, That he and his brethren were ready to receive whatſoever ſhould be offered by them, and would conſider of it, and do upon it what ſhould appear to them to be juſt and right: But, in the mean time, he and his brethren thought fit to continue the uſual practice. Accordingly, that the phraſe of proroguing 'in hunc locum' might admit of no diſpute, it was in the ſchedule of the day expreſsly ſpecified, 'in hunc locum vulgo vocat' Jeruſalem Chamber; To which the lower houſe ſubmitted with a 'ſalvo jure;' and at the next ſeſſion, March 6, the prolocutor, with ſeveral members, attended the archbiſhop and biſhops in the Jeruſalem Chamber, according to the laſt ſchedule; and being ſoon diſmiſſed, went to their own houſe, from whence, in a little time, they carried up a report of a committee, appointed to ſearch the convocation books, for directions concerning

cerning the prorogations of their houſe. The report was thus:

1. We find that the common uſage of this houſe has been to continue ſitting, till the prolocutor did prorogue or adjourn, or intimate the adjournment or prorogation thereof, either perſonally, or by ſome member of this houſe, thereunto deputed by him: And in both theſe caſes (as we conceive) with the conſent of this houſe. And we alſo find by ſome inſtances, that this houſe did not always prorogue and adjourn to the ſame day with the upper houſe. Report of the lower houſe.

2. We find the like common uſage by this houſe to have been, that when, in the upper houſe, the convocation was prorogued or adjourned by the words 'in hunc locum,' this houſe did meet apart from the ſame, at the ſame particular place where it ſat laſt. And when the convocation was prorogued or adjourned to ſome other general place, viz. St. Paul's and Lambeth, then alſo this houſe did aſſemble in a ſeparate place, diſtinctly from their lordſhips. And farther, we find no footſteps of evidence to conclude, that it was ever the practice of this houſe to attend their lordſhips before this houſe did meet and ſit, purſuant to their former adjournment. But when this houſe hath firſt met and ſat, it hath been the conſtant practice to attend their lordſhips with buſineſs of their own motion, or when they were called up to their lordſhips by a ſpecial meſſenger.

This paper was ordered by the archbiſhop to be read, though it was intitled, 'A Report of the committee,' and did not run in the name of the Houſe, as it ſhould have done; and then referred the examination of it to a committee of biſhops. In the mean while, the archbiſhop delivered to the prolocutor the form of an 'humble addreſs to his majeſty,' and propoſed to him the conſent of the lower houſe, which was given without amendment, only they propoſed it might be Reformed Churches,' inſtead of 'Reformed Religion.' And with the alteration of that word, it was preſented to his majeſty, on March 10, by the archbiſhop. It contained thanks to his majeſty for his conſtant protection and favour to the Church of England; an acknowledgement of his pious concern for the reformed churches in general, and an aſſurance of their ſtedfaſt fidelity and affection, and readineſs to maintain the ſupremacy as ſettled by law, &c. And they were graciouſly received by the king. He thanked them for their promiſes of maintaining his ſupremacy according to law; beyond which he aſſured them he would never extend it.

During

1701. Books cenſured.

During theſe diſputes, that the lower houſe might expreſs a zeal for matters of religion, they reſolved to proceed againſt ſome bad books; they began with one, intitled, 'Chriſtianity 'not myſterious,' wrote by one Toland, a man of a bold and petulent wit, who paſſed for a Socinian, but was believed to be a man of no religion: They drew ſome propoſitions out of this book, but did it with ſo little judgment, that they paſſed over the worſt, that were in it, and ſingled out ſome, that how ill ſoever they were meant, yet were capable of a good ſenſe (c): They brought up the cenſure, that they had paſſed on this book, to the biſhops, and deſired them to agree to their reſolutions: This ſtruck ſo directly at the Epiſcopal authority, that it ſeemed ſtrange to ſee men, who had ſo long aſſerted the Divine right of Epiſcopacy, and that Preſbyters were only their aſſiſtants and council (according to the language of all antiquity) now aſſume to themſelves the moſt important act of church government, the judging in points of doctrine. Hence it appeared, how ſoon mens intereſts and paſſions can run them from one extreme to another. The biſhops ſaw, that their deſign was only to gain ſome credit to themſelves, by this ſhew of zeal for the great articles of religion; ſo they took advice of men learned in the

(c) The poſitions extracted out of Toland's book were as follow:

"Poſ. 1. I conclude, That "neither God himſelf, nor any "of his attributes, are myſte- "rious to us, for want of ade- "quate ideas.

"Poſ. 2. No doubt on it, "as far as any church allows "of myſteries, ſo far it is Anti- "Chriſtian, and may, with a "great deal of juſtice, though "little honour, claim kindred "with the ſcarlet whore.

"Poſ. 3. To ſpeak freely, "contradiction and myſtery are "but two emphatical ways of "ſaying nothing.

"Poſ. 4. It evidently fol- "lows, (i. e. from his obſerva- "tions) that faith is ſo far from "being an implicit aſſent to "any thing above reaſon, that "this notion contradicts the "ends of religion, the nature "of man, and the goodneſs "and wiſdom of God.

"Poſ. 5. (Having drawn a "parallel of the ancient Hea- "then, and, as he calls them, "new-coined Chriſtian myſte- "ries, he ſays)——

"I could draw out this pa- "rallel much larger, but here "is enough to ſhew how Chri- "ſtianity became myſterious, "and how ſo divine an inſti- "tution did, through the craft "and ambition of prieſts and "philoſophers, derogate into "mere Paganiſm."

law,

law, how far the act of ſubmiſſion, in the twenty-fifth of Henry the Eighth, did reſtrain them in this caſe (d).

There had been the like complaint made in the convocation 1689, of many ill books then publiſhed; and the biſhops had then adviſed both with civilians and common lawyers in this matter: They were anſwered, that every biſhop might proceed in his own court, againſt the authors or ſpreaders of ill books, within his dioceſe: But they did not know of any power the convocation had to do it: It did not ſo much as appear, that they could ſummon any to come before them: And when a book was publiſhed, with the author's name to it, the condemning it, without hearing the author upon it, ſeemed contrary to the common rules of juſtice. It did not ſeem to be a court at all, and ſince no appeal lay from it, it certainly could not be a court, in the firſt inſtance. When this queſtion was now again put to lawyers, namely, 'Whether the convocation's giving an opinion con-'cerning a book that is heretical, impious, and immoral, is 'contrary to law?' Some were afraid, and others were unwilling to anſwer it: But Sir Edward Northey, afterwards made attorney-general, thought the condemning books was a thing of great conſequence; ſince the doctrine of the Church might be altered, by condemning explanations of one ſort, and allowing thoſe of another; and ſince the convocation had no licence from the king, he thought that, by meddling in that matter, they ſhould incur the pains in the ſtatute: So

(d) By the act of Submiſſion, the clergy ſhall not preſume to claim, or put in uſe, any conſtitutions or canons; nor ſhall exact, promulge, or execute any ſuch canons or ordinances in their convocations (which always ſhall be aſſembled by authority of the king's writ) unleſs the clergy may have the king's royal aſſent and licence ſo to do. The king ſhall have power to name thirty-two perſons, ſixteen of the two houſes of parliament, and ſixteen of the clergy, to reviſe the old canons, and to abrogate, confirm, or alter them as they pleaſe, the king's aſſent being obtained. Provided, 'that till ſuch reviſal and 'correction of the canons is 'made, all thoſe which are now 'received ſhall remain in force, 'except ſuch as are contrary 'to the laws and cuſtoms of the 'realm, or are to the damage 'or hurt of the king's prerogative.' Upon the proviſo of this act, all the proceedings of the Commons and other Spiritual Courts are founded; for the canons not being corrected to this day in the manner here expreſſed, the old ones are in force, with the exceptions before-mentioned; and this proviſo is probably the reaſon why the canons were not corrected in

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So all further debate of this matter was let fall by the biſhops (c).

Report of the lower houſe anſwered.

When the biſhops had conſidered the report brought up from the lower houſe, they drew a copious anſwer to it, in which all their precedents were examined and anſwered, and the matter was ſo clearly ſtated, and ſo fully proved, that it was hoped the diſpute was at an end. But the lower houſe, after having ſate ſome time about a reply, inſtead of going on with it, voted, on the 31ſt of March 1701, their own right to adjourn themſelves, and then ſent the prolocutor with a meſſage to the upper houſe, intimating, that they had conſidered their reply, which did not give them the ſatisfaction they deſired, and therefore they prayed a Free Conference upon the ſubject-matter in debate. Thus they began to affect,

the following reigns, for now it lies in the breaſt of the judges to declare, what canons are contrary to the laws or rights of the crown, which is more for the king's prerogative, than to make a collection of eccleſiaſtical laws, which ſhould be fixed and immoveable. The penalties of this act are impriſonment and fine at the king's will.

(c) The archbiſhop producing a certain book, entitled, 'The 'balance of power, &c.' in the 40th page of which were theſe words; 'Are not a great many 'of us able to point out to ſe- 'veral perſons, whom nothing 'has recommended to places 'of the higheſt truſt, and often 'to rich BENEFICES and 'DIGNITIES, but the open 'enmity which they have al- 'moſt from their cradles profeſt 'to the divinity of Chriſt;' It was agreed that a paper ſhould be fixed over ſeveral doors in Weſtminſter-Abbey, intimating, 'that it was deſired by the ſaid 'archbiſhop and biſhops, that 'the author himſelf, whoever 'he was, or any one of the 'GREAT MANY to whom 'he refers, would point out to 'the particular perſons, whom 'he or they knew to be liable 'to that charge, that they might 'be proceeded againſt in a judi- 'cial way; which would be 'eſteem'd a great ſervice to the 'Church: Otherwiſe the above- 'mentioned paſſage muſt be 'looked upon as a PUBLIC 'SCANDAL.' It was now become uſual for the violent party to point out the biſhops and divines beſt affected to the government in church and ſtate, as Socinians, or any other kind of hereticks. But no proof was made by Dr. Davenant, or by any one who ſuggeſted this ſcandal to him. All moderate divines were looked upon by ſome hot men, with an ill eye, as perſons who were cold and indifferent in the matters of the Church: That which flowed from a gentleneſs, both of temper and principle, was repreſented as an inclination to favour Diſſenters, which paſſed among many, for a more heinous thing than leaning to Popery itſelf.

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in all their proceedings, to follow the methods of the houſe of commons. The biſhops reſolved not to comply with this, which was wholly new. They had, upon ſome occaſions, called up the lower houſe to a conference, in order to the explaining ſome things to them; but the clergy had never taken upon them to deſire a free conference with the biſhops before; wherefore they reſolved not to admit of it; and the archbiſhop ſaid to the prolocutor, "We received your verbal "meſſage, and took the ſame into conſideration. And "whereas we ſent you two queſtions in writing, to which you "anſwered in writing; and we gave a large and diſtinct "anſwer to the ſame in writing, in which there were ſeveral "quotations referring to matter of fact; we therefore expect "an anſwer in writing to the ſame, and we ſhall then take "the matter into farther conſideration, and deſire no time to "be loſt." The prolocutor replying, "That their anſwer "would take up above twenty ſheets," his grace took occaſion to declare, "That he did not confine them to length "and breadth, but expected their anſwer in writing." The lower houſe reſolved not to comply with this, but inſiſted upon a Free Conference, a word that had never before appeared in the acts of any former convocation. They would ſend no other written paper but of reaſons for not writing; which were preſented on the 5th of April. Three days after, a paper was delivered to the prolocutor, in anſwer to their reaſons, in which the biſhops tell them, "That their pro-"ceedings had been irregular, and without precedent in "ſundry particulars: That they could not find ſo much as "one inſtance of any conference deſired by the lower houſe: "That they were indeed once called up 'ad colloquium' "in 1689, but that the conſequences of it were ſuch as did "by no means encourage the doing of the like at this pre-"ſent time: And that their pretending to make a receſs, by "their own authority, apart from the upper houſe, and "without order from the preſident, was altogether new, "and ſuch a violation of his authority, as could not be "complied with, nor ſuffered, without deſtroying the fun-"damental conſtitution of an Engliſh convocation." After which, the archbiſhop made a ſpeech, and prorogued the convocation to the 8th of May. The lower houſe took no notice of the archbiſhop's adjournment, but continued to ſit as a houſe ſome time that day, and then adjourned themſelves to the next day. This was an aſſectation of independence unknown to former convocations, and never before attempted by any preſbyters in an Epiſcopal church. They did indeed ob-

obſerve the rule of adjourning themſelves to the day which the archbiſhop had appointed in his ſchedule, but they did it as their own act, and adjourned themſelves to intermediate days.

On the 8th of May, the archbiſhop told the prolocutor, that, "what had been done in the lower houſe, as a houſe, "ſince the prorogation, was not only null and without au- "thority, but of very dangerous conſequence to the con- "ſtitution. And that they could not receive from them, "either by word of mouth or in writing, any thing done by "the ſaid houſe, as a houſe, in that interval." At the ſame time the prolocutor delivered a paper, as the act of the lower houſe this day, which was an anſwer to what had been ſent them about Toland's book. "They therein intimate their "apprehenſion of the little need there was to conſult lawyers "about that book; that the archbiſhop might eaſily have "obtained a licence; that a bad uſe would be made of their "omitting to expreſs their diſlike of ſo ill a book: And juſ- "tify their own proceedings, and much complain of grie- "vances they ſuffered from the upper houſe."

A committee of biſhops prepared a reply to this paper; ſignifying, "That they thought it ſafeſt, and moſt for the "intereſt of the church and religion, that in the matter of "Toland's book, as well as others, they ſhould govern "themſelves by precedents of former convocations: That "his majeſty was the propereſt judge, when to grant a li- "cence, and when not; though, conſidering the treatment "which the licence granted to the convocation in 1689 met "with, it could not be thought adviſeable to deſire another, "till a better ſpirit had appeared in thoſe of the lower houſe "than either did then or now: That they would endeavour "to procure a law for regulating the preſs, &c. That the "actions of the lower houſe did not agree with their pro- "feſſion; for that they had riſen to higher degrees of diſ- "reſpect and invaſion of the Metropolitan and Epiſcopal "rights, than ever was attempted by any lower houſe of "convocation before, &c. And that they had hereby given "the greateſt blow to the Church, that had been given it "ſince the Preſbyterian aſſembly that ſate at Weſtminſter, "in the late times of confuſion."

The lower houſe going on to ſit in intermediate days, Dr. Sherlock, and many of the moſt eminent and learned among them, not only refuſed to ſit with them on thoſe days, but thought it was incumbent on them to proteſt againſt their proceedings; but the lower houſe refuſing to ſuffer this to be

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entered in their books, they exhibited a complaint in writing to the archbiſhop, and ſubſcribed their names to it (e). The party ſitting alone in the intermediate days, they entered into ſuch a ſecrecy, that it could not be known what they ſate ſo cloſe upon. The archbiſhop therefore appointed five biſhops to meet a committee of the lower houſe (not exceeding ten) to inſpect the acts of each houſe in this convocation, and report their judgments. But though this had often been done, yet upon this occaſion the lower houſe refuſed to comply with it, or to name a committee. This was ſuch an unprecedented invaſion of the Epiſcopal authority, that the upper houſe came to a reſolution to receive nothing from them, till that irregularity was let right.

Burnet's Expoſition of the articles cenſur'd.

As the lower houſe was highly incenſed againſt the biſhop of Sarum, they cenſured his Expoſition of the articles of the Church of England, and in imitation of the general impeachments by the houſe of commons, they put their cenſure into three general propoſitions. I. That it allowed a diverſity of opinions, which the articles are framed to avoid. II. That it contained many paſſages contrary to the true meaning of the articles, and to other received doctrines of the Church. III. That ſome things in it were of dangerous conſequence to the Church of England, as by law eſtabliſhed, and derogated from the honour of the Reformation. Biſhop Burnet begged that the archbiſhop would diſpenſe with the order made againſt further communication with the lower houſe as to this matter. Accordingly the paper againſt the biſhop was brought up and received. But what the particulars were to which theſe general heads referred, could never be learned; this was a ſecret lodged in confiding hands. For when the archbiſhop moved for the particulars of their charge againſt the book, they would enter into none, unleſs they might at the ſame time offer ſome other matters, which the upper houſe would not admit of (f).

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(e) Theſe were the deans Sherlock, Wichart, Freeman; the archdeacons Bull, Stanley, Jeffery, Trimnel, Boucher; the proctors, Verney, Evans, Whitefoot, Pooley, Little.

(f) A committee of biſhops being appointed to declare their judgment of the extraordinary proceedings of the lower houſe, upon occaſion of the complaint againſt the biſhop of Sarum, they declared it their opinion, "That the lower houſe had no "manner of power, judicially "to cenſure any book: That "they ought not to have entered upon the examination "of a book of any biſhop of "this church, without firſt ac-"quainting

The convocation diſſolved.

On the 20th of June, the prolocutor appeared in the upper houſe, and the archbiſhop told him (as before) that he could receive no paper but that containing the particularities of the general charge againſt the biſhop of Sarum's Expoſition, which at the biſhop's requeſt he was ready to receive. The prolocutor ſaying he had two papers, but could not preſent the one without the other, without the direction of the lower houſe, went back for the opinion of the houſe, but did not return till the convocation was prorogued to Auguſt 7th, and thence to September the 18th, and ſo on, till the parliament was diſſolved, and the convocation with it.

In theſe proceedings the biſhops were unanimous, except the biſhops of London, Rocheſter, and Exeter: The biſhop of London had been twice diſappointed of his hopes of being advanced to the ſee of Canterbury; ſo for ſeveral years he was engaged with the Tory party, and oppoſed the court in every thing, but with little force or authority: The biſhop of Rocheſter * had been deeply engaged in the former reigns, and he ſtuck firm to the party, to which, by reaſon of the liberties of his life, he brought no ſort of honour. Theſe biſhops gave no great reputation to the proceedings of the lower houſe, to which they adhered; they likewiſe entered their diſſent to the reſolutions taken in the upper houſe. From the fire raiſed thus in convocation, a great heat was ſpread through the whole clergy of the kingdom; it alienated them from their biſhops, and raiſed factions among them every where (g).

* Sprat.

Whilſt

" quainting the preſident and " biſhops: That their cenſuring " the biſhop of Sarum's book " in general terms, without " mentioning the particular paſ- " ſages on which the cenſure " was grounded, was defama- " tory and ſcandalous: That " that biſhop by his excellent " Hiſtory of the Reformation, " approved by both houſes of " parliament, and other wri- " tings, had done great ſervice " to the Church of England, " and deſerved the thanks of " their houſe: And, that tho' " private perſons may expound " the articles of the Church, " yet that it could not be pro- " per for the convocation at " this time to approve, and " and much leſs to condemn, " ſuch private expoſitions.'

(g) Notwithſtanding Atterbury's book had been proved to be falſe in many inſtances, yet we find the following remarkable paſſage concerning it in the hiſtory of this convocation, publiſhed in 1702 in 4to.

When on April the 8th, Dr. Finch returned from the upper houſe to the lower, with an account that no meſſage would be received from them for want of the prolocutor's preſence, the

dean

Whilſt in England the diſputes about Schiſm, Socinianiſm, and the rights of convocation were carrying on amongſt thoſe of the eſtabliſhed church, and the conteſts about doctrinal points, divided the Diſſenters; other kingdoms were no leſs diſjointed in matters of religion. The Quietiſts were increaſing not only in Italy but in France (a). The perſecution in France began at firſt upon a few Janſeniſts (b), but afterwards turned to the Proteſtants, on whom it had been long very heavy and bloody; this put an end to all diſputes in thoſe matters, and a new controverſy aroſe, which was managed with great heat, between Boſſuet the famous biſhop, firſt of Condom and afterwards of Meaux, and La Motte Fenelon, who was in high favour with madam Maintenon, and was by her means made preceptor to the Dauphin's children, and advanced to the archbiſhopric of Cambray. Fenelon wrote a treatiſe of ſpiritual maxims, according to the ſubtilty of the Myſtics. In this treatiſe, he diſtinguiſhed between

Religious diviſions abroad.

dean of Glouceſter *, in ſome reſentment, took occaſion to ſay, that ſince the upper houſe denied this correſpondence with them, it was now time for the houſe to return their thanks to Mr. Atterbury, for his learned pains in aſſerting and vindicating the rights of convocation. Upon which it was warmly debated, and the form of thanks being propoſed to be changed, from 'learned pains in aſſerting 'and vindicating,' into his 'endeavours to aſſert and vin'dicate,' upon a diviſion of the houſe, it was carried, as deſigned, in the affirmative. And then the prolocutor ſaid, 'Mr. 'Archdeacon of Totneſs, I and 'this houſe (no parliamentary phraſe, ſays the author of the hiſtory) 'return you our thanks, '&c.' Upon which a letter was afterwards ſent to Oxford, 'That 'whereas Mr. Francis Atter'bury, late of Chriſt-Church, 'had ſo happily aſſerted the 'rights and privileges of an 'Engliſh convocation, as to 'merit the ſolemn thanks of 'the lower houſe of it, for his 'learned pains on that ſubject. 'It might be hoped the univer'ſity would not be leſs forward 'in taking ſome public notice 'of ſo great a piece of ſervice 'to the Church. And that the 'moſt proper and ſeaſonable 'mark of reſpect to him, would 'be to confer on him the degree 'of Doctor of Divinity by di'ploma, without doing exerciſe 'or paying fees:' Which was 'accordingly done.

* Jane.

(a) The Quietiſts, or Moliniſts (from Molina the Jeſuit) oppoſed the doctrine of Grace, as explained by St. Auſtin, and were in that point much the ſame as the Semi-Pelagians. See Note p. 511.

(b) The Janſeniſts (from Janſenius, biſhop of Ypres, 1635) explained the doctrine of Grace, according to the notions of St. Auſtin, or the Calviniſtical ſcheme.

that, which was falſly charged upon them, and that which was truly their doctrine: He put the perfection of a ſpiritual life, in the loving of God purely for himſelf, without any regard to ourſelves, even to our own ſalvation: And in our being brought to ſuch a ſtate of indifference, as to have no will nor deſire of our own, but to be ſo perfectly united to the will of God, as to rejoice in the hope of heaven, only becauſe it is the will of God to bring us thither, without any regard to our own happineſs. Boſſuet wrote ſo ſharply againſt him, that one is tempted to think, a rivalry for favour and preferment had as great a ſhare in it, as zeal for the truth. The matter was ſent to Rome; Fenelon had ſo many authorized and canonized writers of his ſide, that many diſtinctions muſt be made uſe of to ſeparate them from him; but the king was much ſet againſt him: he put him from his attendance on the young princeſs, and ſent him to his dioceſe. His diſgrace ſerved to raiſe his character. Madam Maintenon's violent averſion to a man ſhe ſo lately raiſed, was imputed to his not being ſo tractable as ſhe expected, in perſuading the king to own his marriage with her. But this is only conjecture.

At this time alſo a breach was running through the Lutheran churches. It appeared at firſt openly at Hamburgh, where many were going into ſtricter methods of piety, who from thence were called Pietiſts. There is no difference of opinion between them and the reſt, who are moſt rigid to old forms, and are jealous of all new things, eſpecially of a ſtricter courſe of devotion beyond what they themſelves are inclined to practiſe. But to return to England.

A new convocation called. 1701-2. Kennet. * Burnet.

With the new parliament the king ſummoned a new convocation. Dr. Sherlock preached a Latin ſermon at the opening, and Dr. Woodward (a civilian grown popular by his oppoſition to his dioceſan *, to whom he owed his preferments) carried it for prolocutor againſt Dr. Beveridge, archdeacon of Colcheſter. The firſt act of the two houſes was an addreſs to the king, the 22d of January, on occaſion of the French king's proclaiming the pretender.

They expreſſed therein the deep reſentment every one of them had, at their firſt hearing of the great indignity which the French king offered to his majeſty and his people, in declaring the pretended prince of Wales to be king of his majeſty's realms and dominions. They renewed their proteſtations of a firm and unſhaken allegiance: And aſſured his majeſty, they would do their utmoſt endeavours, in their reſpective places and ſtations, to maintain his rightful title,

and

and the ſucceſſion in the Proteſtant line; as by law eſtabliſhed, againſt the ſaid pretended prince, and all other his majeſty's open and ſecret enemies, &c. And the king gave them a gracious anſwer.

The faction raiſed in the lower houſe, during the laſt convocation, had ſtill the majority; ſeveral books were writ to ſhow, that by our conſtitution the power of adjourning was wholly in the archbiſhop. The original book of the convocation, that ſate in 1661, being happily found, it ſhowed the practice of that convocation agreed with the biſhops in every particular (c). But though it was communicated to the lower houſe, it had no effect upon them; for when parties are once formed, and a reſolution is taken upon other conſiderations, no evidence can convince thoſe, who have beforehand reſolved to adhere to their point. Accordingly the diſpute about the power of adjourning was revived, and on the 28th of January a member of the lower houſe moved to change the form of entry in the minutes, which being done, the prolocutor, in his own name, continued and prorogued the houſe, inſtead of intimating, that it was continued and prorogued (d). The diſpute about the power of adjourning is revived.

This was excepted againſt by ſeveral members, on Feb. 3; but it was carried by a majority, that there ſhould be no alteration, and that the matter ſhould not then be further debated: And when the ſchedule of prorogation came down from the upper houſe, it was laid aſide, while the houſe was proceeding to other buſineſs. A member moved, that the meſſage delivered to the prolocutor might be communicated to the houſe, which he thought they had a right to inſiſt on; the majority oppoſed him, and they went on to appoint a committee of grievances. And then the prolocutor adjourned as by the authority of the houſe, and the diſſenting members proteſted by word of mouth; and before the next meeting put

(c). It muſt be obſerved, that the acts of the convocations were recorded in the archbiſhop's regiſters, till the death of archbiſhop Morton, in 1500. The laſt convocation extant in the archbiſhops regiſters, were held 1688; and, in the laſt of thoſe whoſe acts are entire, except the convocation of 1640, publiſhed in Nalſon's Collections. After Morton's time, the acts of convocations were recorded not in the great regiſters, but in diſtinct volumes! All which periſhed in the fire of 1666.

(d) Inſtead of the uſual form, 'Prolocutor intimavit hanc convocationem eſſe continuatam, &c.' they entered in their minutes the phraſe of, 'Dominus prolocutor continuavit et prorogavit quoad hanc domum.'

their verbal proteſtation into writing. On February 9, a motion was made, that that proteſtation might be admitted and entered as a ſtanding evidence of their aſſerting the juſt rights and authority of the preſident. This was oppoſed by a majority. But Dr. Beveridge propoſed a queſtion, 'Whe-
'ther upon ſuppoſition that the houſe may ſit upon ſynodical
'buſineſs, after the coming down of the ſchedule, till they
'think their buſineſs over, the houſe would agree that the
'ſchedule ſhould be then executed, and the houſe prorogued
'to the day and hour there ſpecified, by virtue of the ſaid
'ſchedule, and in obedience to the authority whereby the
'whole convocation was prorogued.' To evade anſwering this queſtion, it was at laſt agreed, That a committee ſhould be appointed to conſider of ſuch an expedient about the prorogation of the lower houſe as might tend to the compoſing of diſputes: And eight were fixed on one ſide, viz. Dr. Hooper, Dr. Jane, Dr. Aldrich, Dr. Atterbury, Dr. Binckes, Mr. Needham, Mr. Moor, and Dr. Wynne: And eight on the other ſide, viz. Dr. Beveridge, Dr. Haley, Dr. Willis, Dr. Kennet, Dr. Trimnel, Dr. Prideaux, Dr. Green, and Mr. Lloyd. And this committee meeting, February 10, agreed, 'That no forms of prorogation ſhould be
'uſed by the prolocutor hereafter, that were not uſed before the
'laſt convocation: That the forms uſed by the prolocutor in
'the convocations of 1586, and 1588, ſhould hereafter be
'uſed by the prolocutor in the order they lie in the books,
'beginning with the firſt till they are gone through: And
'that they ſhould be pronounced by the prolocutor, when
'the houſe agreed that their buſineſs was over.' After this, ſome boaſted of the advantage gained on the ſide of the lower houſe, and that the archbiſhop's friends had given up his cauſe, and excluded the ſchedule from any concern in the adjournment. This was ſo induſtriouſly ſpread, that the eight members of the committee drew up a declaration of their ſenſe, in which they ſignified, among other things, that they refuſed an alteration that was offered on the third article of the agreement forementioned, viz. 'That the form
'ſhould not be pronounced by the prolocutor, till the houſe
'agreed that their buſineſs was over:' This they refuſed, becauſe, though they might generally preſume upon the archbiſhop's conſent for their ſitting to diſpatch all proper buſineſs; yet they could not agree to any thing that ſhould preclude his right to prorogue them immediately, if he found it expedient: And that they uſed the words 'pronounced by
'the prolocutor,' to prevent the putting any queſtion to the houſe

houſe about 'adjourning themſelves;' and that the prorogation might be always to the time and place appointed by the ſchedule.

On Feb. 12, the prolocutor being indiſpoſed, appointed the dean of Chriſt-Church to act as his deputy: And a deputy ſo appointed had been accepted, had application been duly made to the preſident to approve and confirm him. But no ſuch application being made, the archbiſhop ſent for the clergy, and prorogued the convocation to the 14th, telling them, that an incident had happened of great moment, which he and his brethren muſt take time to conſider of.

On February 13, Dr. Woodward, the prolocutor, died in his lodgings at Weſtminſter, in very unhappy circumſtances. The archbiſhop, on the 14th, told the inferior clergy, he was much ſurprized at the news of it; and adjourned them to the 19th. The prolocutor, before his laſt ſickneſs, had complained much of his biſhop, my lord of Sarum, on account of his breach of privilege in his treatment of him. The caſe was thus: The biſhop viſiting his clergy, the clergy paid their attendance: But the dean of Sarum declined appearing as rector of Peuſy, without making a reaſonable excuſe; nay, rather aggravated his abſence with contempt. The biſhop ordered a citation in the uſual method. When the time of privilege afterwards commenced, he ordered his chancellor to put a 'ſtet' upon the cauſe, and there was no farther proceeding. Upon this a formal complaint was, on February 9, preſented to the upper houſe, in which this was repreſented, not only as an unlawful moleſtation of a member of the lower houſe, but an injury offered to the whole body of the convocation, in the perſon of the prolocutor. The archbiſhop and biſhops anſwered, that the proceedings referred to were begun when there was no privilege, and that upon the opening of the preſent convocation, a 'ſtet' was put upon the cauſe, nor was there any citation of proceſs decreed ſince.

The proſecution of this complaint (which is ſaid to have been carried on with great partiality and prejudice) ceaſing upon the prolocutor's death, and there being no buſineſs depending but the clergy's pretenſions of exemption from the ſynodical authority of the upper houſe, the archbiſhop, on the 19th of February, diſmiſſed the clergy with a ſpeech: In which, taking occaſion from their complaint of the biſhop of Sarum, he tells them, "He hopes for the future, they "will not be ſurprized into complaints, but would ſtay till "they were aſſured they were well grounded both in right

" and Fact. He adds, that the choice of a new prolocutor " would not now be ſo ſeaſonable, for that many members " were abſent, attending their reſpective cures; and that a " war was breaking out, which would turn men's thoughts " another way: And that therefore he intended a prorogation. He tells them, their heats had given great offence, " even to thoſe that underſtand not the nature of the controverſy, but were concerned that there ſhould be any diſferences among ſuch as were, by profeſſion, the miniſters " of the Goſpel of peace." The prorogation was to the 5th of March. After the archbiſhop's ſpeech, with which ſome were well ſatisfied, others diſcovered their great diſcontent. They met again in Henry VII's chapel two days after, and reſolving themſelves into a ſort of aſſembly, choſe a moderator or chairman. And when the day came to which both houſes had been prorogued, they came up as a houſe, without a prolocutor, to the chamber adjoining to the Jeruſalem-Chamber, and there meeting the biſhop of Lincoln, who, as the archbiſhop's commiſſary had now prorogued the the convocation to a farther day, begged him to carry a meſſage to the archbiſhop, of their deſire to proceed to the choice of a prolocutor. The biſhop offered, in order to prevent miſtakes, to receive their meſſage in writing. Upon which they began to expreſs themſelves to this effect: 'It is the 'unanimous deſire of the lower houſe, &c.' One preſent * immediately interpoſed, and ſaid, that they were not a houſe, and that many members did not aſſent to ſuch a meſſage; and therefore, at moſt, it could with truth run only in the name of 'ſeveral members of the lower houſe.' This raiſed a new clamour; and thoſe who aſſumed the name of a houſe, eſpecially Dr. Finch, fell ſeverely on the member who thus openly diſſented, as a betrayer of their rights and liberties.

Whether the convocation was diſſolved by the king's death?

The king's death, which happened a day or two after, ſhould have put an end to theſe diſputes, but inſtead of that, occaſioned another queſtion, Whether the convocation did expire with the king? The archbiſhop and biſhops were ſenſible, that the convocation, being aſſembled by the archbiſhop's mandate in obedience to the king's writ, could no longer ſubſiſt, than while the royal writ remained in force; ſince in the late act for empowering the parliament to ſit after the king's death, no proviſion was made to continue the convocation. But that part of the lower houſe, who had aſſumed new claims, were taught (as hath been obſerved) to call themſelves a parliamentary body, and at leaſt to attend upon a parliament by virtue of the Præmunientes clauſe,

which

which they had lately got executed in ſeveral dioceſes. And therefore they inſiſted, that they were ſuch a part of the parliament, as could not be ſeparated from it; and conſequently if they were no longer a provincial ſynod, they were however a part of the national clergy ſummoned by the Præmunientes clauſe to meet in parliament. And, indeed, had their parliamentary notions been true, this had been a juſt inference from them. But when they came to conſult the learned in the law, they ſoon found, that the act for continuing the parliament did by no means include the convocation, which, being called by a different writ, had a different conſtitution, and muſt determine with the kings death. When they were under this diſappointment, they ſollicited ſome friends in the houſe of lords to bring in an extraordinary clauſe, to declare the convocation to be ſtill in being. This was moved by the earl of Rocheſter, but the attorney-general declaring it was againſt the queen's eccleſiaſtical ſupremacy, it was let fall, and they were forced to acquieſce in the diſſolution.

Upon the queen's acceſſion to the crown, all theſe angry men, that had raiſed this flame in the Church, as they treated the memory of the late king with much indecent contempt, ſo they ſeemed very confident, that for the future, all preferments ſhould be diſtributed among them (the queen having ſuperſeded the commiſſion for eccleſiaſtical preferments) and they thought they were full of merit, and were as full of hopes.

The END of the REIGN of WILLIAM III.

THE HISTORY OF ENGLAND.

BOOK XXVIII.

Containing the Three firſt Years of Queen Anne, from 1702 to 1704.

CHAP. I.

Queen Anne's Acceſſion—Account of her before ſhe was queen—Riſe and character of the duke of Marlborough—The queen prejudic'd againſt the Whigs and in favour of the Tories—Her firſt ſpeech to her privy-council and to the parliament—Conſternation in Holland at king William's death—The queen's letter to the States—Proceedings in France—Civil liſt ſettled—A bill for the public accounts—The abjuration-oath refuſed by few—A miniſtry formed—Debate in council about war and the foreigners ſerving in the army—War againſt France proclaimed—A bill of union propoſed between the two kingdoms—Falſe reports of deſigns againſt the queen—Libellous pamphlets cenſured—Parliament prorogued with a ſpeech—Naval preparations—Affairs of Scotland—An union treated of, and comes to nothing—Affairs of Ireland—Of Germany—War

War in Poland—Treaty with Bavaria—Poſture of affairs in the beginning of the war—Keyſerſwaert taken —Attempt upon Nimeguen.—Landau taken by ſtorm.

29. ANNE.

Anne. 1701-2.

Queen Anne's acceſſion.

UPON the death of king William, the crown, purſuant to the act of ſucceſſion, devolved to the princeſs Anne of Denmark, daughter of king James II. by the lady Anne Hyde (c). This princeſs was born at St. James's on the 6th of February 1664-5. She was ſent

19

(c) She was the daughter of the earl of Clarendon. The king, when duke of York, was contracted to her at Breda, November 24, 1659, and privately married to her at Worceſter-houſe, September 5, 1660, in the night, by Dr. Joſeph Crowcher the duke's chaplain. Her father ſolemnly proteſted, that he knew nothing of the matter, till it broke out in 1662. The duke thought to have ſhaken her from claiming her marriage by great promiſes and as great threatenings But ſhe, being a woman of a high ſpirit, ſaid, ſhe was his wife, and would have it known that ſhe was ſo, let him uſe her afterwards as he pleaſed. King Charles II. ordered ſome biſhops and judges to peruſe the proofs ſhe had to produce, and they reporting the marriage was good, the king, not being then willing to break with the earl of Clarendon, told his brother he muſt live with her whom he had made his wife. The duchoſs of York was a very extraordinary woman. She had great knowledge and a lively ſenſe of things. She ſoon underſtood what belonged to a princeſs, and took ſtate on her rather too much. She writ well, and had begun the duke's life, of which ſhe ſhewed Dr. Burnet a volume. It was all drawn from the duke's journal; and he intended to have employed Burnet in carrying it on. She was bred to great ſtrictneſs in religion, and practiſed ſecret confeſſion. Morley was her confeſſor. She began at twelve years old, and continued under his direction, till, upon her father's diſgrace, he was put from the court. She was generous and friendly, but was too ſevere an enemy. It was ſuppoſed ſhe had been prevailed upon to change her religion, for a paper was publiſhed by Maimburg, after her death, giving an account of the grounds of her converſion, which paper the duke of York ſhewed Burnet, all writ with her own hand, but would not let him copy it, though he gave him leave to read it twice. After a long decay of health ſhe died in 1672, very little beloved or lamented. Her haughtineſs had raiſed her many

Anne. 1701-2.

to France in 1669, which much alarmed the people, on a ſurmiſe, that ſhe was gone thither to be bred a Catholic; the bigotry and ſuperſtition of her father, who had found means to pervert her mother, being well known. But their fears ceaſed, when it was found ſhe was ſent there on account of her health only, ſhe having at that time a deflexion in her eyes, which the change of air, and the methods there uſed, ſoon removed; and ſhe returned to England much improved in her conſtitution and perſon. Dr. Henry Compton, dean of the chapel, and afterwards biſhop of London, had the care of her education.

Account of her before ſhe was queen. Burnet.

The duke of York, two years after the death of his firſt wife, married, in 1673, Mary of Eſte, the duke of Modena's daughter, a rigid Papiſt (f), by which means, all hopes of a

many enemies, and her friends, becauſe of the change of her religion, reckoned her death rather a bleſſing than a loſs at that time. She bore the duke of York four ſons and four daughters, Charles of York, duke of Cambridge, born the 22d of October, 1660, who died at ſeven months old; James of York, called alſo duke of Cambridge, born the 12th of July 1663, who died in 1667; Charles of York, duke of Kendal, third ſon, born the 4th of July, 1666, and who died in May 1667; Edgar of York, duke of Cambridge, the fourth ſon, was born the 14th of September 1667, and died the 8th of June 1672. The four daughters were, 1. MARY of York, born the 30th of April, 1662, a princeſs of great beauty and eminent virtue, who was married to William Henry of Naſſau, prince of Orange, afterwards king William III. and died on the 28th of December, 1694. 2. ANNE of York, ſecond daughter, born at St. James's on the 6th of February, 1664-5. Henrietta of York, third daughter, born at Whitehall the 13th of January, 1668, and deceaſed at ten months old; and Katharine of York, fourth daughter, who was born the 9th of February 1670, and died the 5th of December 1671.

(f) The new ducheſs of York was brought over by the earl of Peterborough (who had married her by proxy) in the winter of 1673. She was then very young, about ſixteen, but of a full growth. She was a graceful perſon, with a good ſhare of beauty, and ſo much wit and cunning, that, during all king Charles's reign, ſhe behaved herſelf in ſo obliging a manner, and ſeemed ſo innocent and good, that ſhe gained upon all that came near her, and poſſeſſed them with ſuch impreſſions of her, that it was long before her behaviour, after ſhe was queen, could make them change their thoughts of her. So artificially did this young Italian carry herſelf, that ſhe deceived even the eldeſt and moſt jealous

Anne. 1701-2.

Proteſtant male-heir being loſt, a greater value was raiſed in the people for the princeſſes Mary and Anne, from the general expectation of having the ſucceſſion continued to them, whom, with joy, they ſaw educated in the Proteſtant religion.

Upon the marriage of the princeſs Mary to the prince of Orange, her father was very preſſing with the king his brother, to leave him the diſpoſal of his other daughter the princeſs Anne; but the king thought it more adviſeable to hearken to the importunities of his parliament, and marry her alſo to a Proteſtant prince. In the year 1681, the prince of Hanover (afterwards king George I. of England) came over to make his addreſſes to her: But he was ſcarce got hither, when he received orders from his father not to proceed in that deſign; for he had agreed a match for him with his brother the duke of Zell's daughter, which, at that time, was more advantageous to the family. Two years after, prince George of Denmark, ſecond ſon of Frederick III. and younger brother of Chriſtian V. kings of Denmark, came into England, in order to marry the princeſs Anne. Accordingly, eleven days after his arrival, they were ſolemnly married by the biſhop of London, in the chapel-royal at St. James's, on the 28th of July 1683. This marriage, at firſt, did by no means pleaſe the nation: For it was known that the propoſition came from France, and therefore it was apprehended, that the Engliſh and French courts reckoned, they were ſure he would change his religion. But theſe apprehenſions were, by experience, found to be entirely groundleſs. He had now lived, in all reſpects, the happieſt with his princeſs that was poſſible, except in one point. For, though there was a child born almoſt every year for many years, yet they all died; ſo that the moſt fruitful marriage of the age was fatally blaſted as to the effect of it (g).

Prince George of Denmark comes into England. July 19, 1683, and marries the princeſs Anne, July 28. Burnet.

Upon

jealous perſons, both in the court and the country. Only ſometimes a ſatyrical temper broke out too much, which was imputed to youth and wit not enough practiſed to the world. She avoided the appearances of a zealot, or a meddler in buſineſs, and gave herſelf up to innocent chearfulneſs, and was univerſally eſteemed and loved as long as ſhe was ducheſs. Burnet I. 368.

(g) Their children, beſides ſeveral miſcarriages, were as follow:

The firſt was a daughter, of whom her royal highneſs was delivered on the 12th of May, 1684; and, being dead, was privately interred. II. Lady Mary, ſecond daughter, born at White-

Anne. 1701-2.

Conduct of the ducheſs of Marlb.

Upon the princeſs's marriage, the lady Churchill (afterwards ducheſs of Marlborough) was, at the princeſs's earneſt requeſt to her father, made one of the ladies of her bedchamber, and was at length diſtinguiſhed by ſo high a place in her favour, as perhaps no perſon ever arrived at a higher with queen or princeſs. She had a great aſcendant over the princeſs in every thing: She was a woman of little knowledge, but of a clear apprehenſion, and a true judgment; a warm and hearty friend, violent and ſudden in her reſolutions, and impetuous in her way of ſpeaking. She was thought proud and inſolent on her favour, though ſhe uſed none of the common arts of a court to maintain it: For ſhe did not beſet the princeſs, nor flatter her. She ſtaid much at home, and looked carefully after the education of her children. The beginning of the princeſs's kindneſs for her had a much earlier date than her entrance into her ſervice. They had uſed to be together, when children, and the princeſs even then expreſs'd a particular fondneſs for her. This inclination increaſed with their years; and the princeſs always diſtinguiſhed her by the pleaſure ſhe took in her converſation and confidence. Hence it was, that, upon her marriage, ſhe was ſo deſirous to have her near her perſon (h).

After

Whitehall the 2d of June, 1685, who died in February, 1686. III. Lady Anne Sophia, third daughter, born at Windſor the 12th of May, 1686, died the February following. IV. William, firſt ſon, born at the royal palace at Hampton-Court the 24th of July, 1689, was, at his baptiſm, declared by king William duke of Glouceſter, who died July 24, 1700. V. The lady Mary, a fourth daughter, was born at St. James's in the month of October, 1690, but died ſoon after ſhe was baptized. VI. George, another ſon, was born at Sion-Houſe, the 17th day of April, 1692, but died as ſoon as born.

(h) Sarah Jennings, daughter and coheireſs (with her ſiſter the counteſs of Tyrconnel) of Richard Jennings, of Sandridge in Hertfordſhire, Eſq; by his wife Frances, daughter and heireſs of Sir Gilford Thornhurſt, of Agnes-Court in Kent, baronet, was born on the 29th of May, 1660, the day of king Charles's reſtoration, and in 1681 married to John Churchill (then a colonel of dragoons, and afterwards duke of Marlborough). She was at that time in great favour with the princeſs Anne, of which ſhe herſelf gives the following account:

The beginning of the princeſs's kindneſs for me had a much earlier date than my entrance into her ſervice. My promotion to this honour was wholly owing to impreſſions ſhe had before received to my advantage; we had uſed to play together, when ſhe was a child, and

After her father king James's acceſſion to the throne, the princeſs, during his whole reign, kept her court as private as ſhe

and ſhe ever then expreſſed a particular fondneſs for me. This inclination increaſed with our years. I was often at court, and the princeſs always diſtinguiſhed me by the pleaſure ſhe took to honour me, preferably to others, with her converſation and confidence. In all her parties for amuſement, I was ſure, by her choice, to be one; and ſo deſirous ſhe became of having me always near her, that, upon her marriage with the prince of Denmark in 1683, it was, at her own earneſt requeſt to her father, I was made one of the ladies of her bed-chamber.

What conduced to render me the more agreeable to her in this ſtation was, doubtleſs, the diſlike ſhe had conceived to moſt of the other perſons about her, and particularly to her firſt lady of the bed-chamber, the counteſs of Clarendon; a lady, whoſe diſcourſe and manner (though the princeſs thought they agreed very well together) could not poſſibly recommend her to ſo young a miſtreſs: for ſhe looked like a mad woman, and talked like a ſcholar. Indeed her highneſs's court was throughout ſo oddly compoſed, that I think it would be making myſelf no great compliment, if I ſhould ſay, her chuſing to ſpend more of her time with me, than with any of her other ſervants, did no diſcredit to her taſte. Be that as it will, it is certain ſhe at length diſtinguiſhed me by ſo high a place in her favour, as perhaps no perſon ever arrived at a higher with queen or princeſs. And, if from hence I may draw any glory, it is, that I both obtained and held this place without the aſſiſtance of flattery; a charm, which in truth her inclination for me, together with my unwearied application to ſerve and amuſe her, rendered needleſs; but which, had it been otherwiſe, my temper and turn of mind would never have ſuffered me to employ.

Young as I was, when I firſt became this high favourite, I laid it down for a maxim, that flattery was falſhood to my truſt, and ingratitude to my greateſt friend; and that I did not deſerve ſo much favour, if I could not venture the loſs of it by ſpeaking the truth, and by preferring the real intereſt of my miſtreſs before the pleaſing her fancy, or the ſacrificing to her paſſion. From this rule I never ſwerved. And, though my temper and my notions in moſt things were widely different from thoſe of the princeſs, yet, during a long courſe of years, ſhe was ſo far from being diſpleaſed with me for openly ſpeaking my ſentiments, that ſhe ſometimes profeſſed a deſire, and even added her command, that it ſhould be always continued, promiſing never to be offended at it, but to love me the better for my frankneſs.

Favour with a princeſs upon theſe terms, engaged me to her in the manner that it ought; I mean, by a ſentiment which I

Anne. ſhe could, conſiſtent with her ſtation. When the king's deſigns
1701-2. were diſcovered, and Popiſh counſels began to prevail, attempts were made to draw the princeſs into them. The king indeed uſed no harſhneſs with her; he only diſcovered his wiſhes, by putting into her hands ſome books and papers, which he hoped

chuſe to call Honour, rather than Gratitude or Duty, becauſe, while it employs all the juſtice and affection of theſe, it ſeems to expreſs a more diſintereſted principle of action. For I can truly affirm, that I never conſidered myſelf on any occaſion where her intereſt or glory was concerned, nor had I any idea of a miſery which I would not have ſooner incurred, than the inward ſhame of being conſcious of a failure in this reſpect. The facts themſelves, which I am going to relate, will in a great degree evince the truth of what I ſay; and that the princeſs was perfectly perſuaded of it, is, I think, ſufficiently manifeſt both from her letters to me, and from that unreſerved intimacy of friendſhip, in which we for many years lived together.

Kings and princes, for the moſt part, imagine they have a dignity peculiar to their birth and ſtation, which ought to raiſe them above all connexion of friendſhip with an inferior. Their paſſion is to be admired and feared, to have ſubjects awfully obedient, and ſervants blindly obſequious to their pleaſure. Friendſhip is an offenſive word, it imports a kind of equality between the parties; it ſuggeſts nothing to the minds of crowns or thrones, high titles or immenſe revenues, fountains of honour or fountains of riches; prerogatives which the poſſeſſors would have always uppermoſt in the thoughts of thoſe who are permitted to approach them.

The princeſs had a different taſte. A friend was what ſhe moſt coveted; and for the ſake of friendſhip (a relation which ſhe did not diſdain to have with me) ſhe was fond even of that Equality which ſhe thought belonged to it. She grew uneaſy to be treated by me with the form and ceremony due to her rank; nor could ſhe bear from me the ſound of words which implied in them diſtance and ſuperiority. It was this turn of mind, which made her one day propoſe to me, that, whenever I ſhould happen to be abſent from her, we might in all our letters write ourſelves by feigned names, ſuch as would import nothing of diſtinction of rank between us. Morley and Freeman were the names her fancy hit upon; and ſhe left me to chuſe by which of them I would be called. My frank open temper naturally led me to pitch upon Freeman, and ſo the princeſs took the other; and from this time Mrs. Morley and Mrs. Freeman began to converſe as equals, made ſo by affection and friendſhip. 'Conduct of the 'ducheſs of Marlborough, p. 9. '&c.'

might

might induce her to a change of religion (i). Lord Tyrconnel alſo took ſome pains with his ſiſter-in-law, the lady Churchill, to engage her, if poſſible, to make uſe, for the ſame end, of that great favour he knew ſhe enjoyed with the princeſs; but all theſe endeavours proved fruitleſs, and the prince and princeſs of Denmark remained firm to their religion. Anne. 1701-2.

Though the queen, after ſhe had declared herſelf with child, declined giving the princeſs of Denmark any ſatisfaction in that matter, yet it does not appear that ſhe thought it an impoſture; nor did ſhe, in her letter to the queen, when ſhe left the court, give the leaſt hint of ſuch a ſuſpicion. Upon the landing of the prince of Orange, in 1688, the king went down to Saliſbury to his army, and the prince of Denmark with him: But the news quickly came from thence, that the prince of Denmark had deſerted the king and joined the prince of Orange, and that the king was returning to London. The princeſs was ſo ſtruck with the apprehenſions of the king's diſpleaſure, that ſhe told the lady Churchill, ſhe could not bear the thoughts of it, and declared, rather than ſee her father, ſhe would jump out at the window. The biſhop of London (who, in that critical time, abſconded) was then lodged ſecretly in Suffolk-ſtreet. The princeſs immediately ſent the lady Churchill (who knew where he was) to concert meaſures with the biſhop, how ſhe ſhould withdraw from the court. It was agreed, that he ſhould come about midnight in a hackney-coach near the Cockpit, in order to convey the princeſs to ſome place where ſhe might be private and ſafe. Conduct of the duchess of Marlb.

The princeſs went to bed at the uſual time to prevent ſuſpicion. Lady Churchill came to her ſoon after; and, with her and lady Fitzharding, and one ſervant, the princeſs, by the back-ſtairs which went down from her cloſet, walked to the coach, where they found the biſhop and the earl of Dorſet. They conducted them that night to the biſhop's houſe in the city, and the next day to the lord Dorſet's at Copt-Hall, from whence they went to Nottingham, where the country gathered about the princeſs, and forming themſelves

(i) The duchess of Marlborough obſerves here, that, had the princeſs had any inclination to change her religion, the chaplains about her were ſuch divines as could have ſaid but little in defence of their own religion, or to ſecure her againſt the pretences of Popery, recommended to her by a father and a king. 'Conduct of the duchess of Marlborough, p. 15'

into

Anne. into a little army, chose to be commanded by the bishop of
1701-2. London, which he too easily accepted; but the princess did not think herself safe, till she was surrounded by the prince of Orange's friends.

Quickly after this the king fled into France, and, the throne being declared vacant, was presently filled with the prince and princess of Orange. The parliament thought proper to settle the crown on king William for life, and the princess of Denmark gave her consent to it. The lady Churchill at first took a great deal of pains (which she believed the king and queen never forgot) to persuade her against it; but, finding that all the principal men, except the Jacobites, were for king William, and Dr. Tillotson (whom she consulted) having convinced her of the expediency of the settlement proposed, she advised the princess to acquiesce in it, and carried Dr. Tillotson to her to second her advice. Upon what the doctor said to her, the princess took care that no disturbance should be made by her pretended friends the Jacobites, who had pressed her earnestly to form an opposition.

Not long after the advancement of king William to the throne, the misunderstanding between not only the king, but also the queen and the princess of Denmark, broke out, of which a large account has been given. 'Though,' after queen Mary's death, there was (as has been said) a reconciliation, yet it went not much farther than what civility and decency required; and such a coldness had continued between the king and the princess, that she was not made acquainted with public affairs, or encouraged to recommend any to posts of trust and advantage: Neither had the ministry orders to inform her how matters went, or to oblige those about her. Only the earl of Marlborough, after some years of disgrace, had been taken again into favour; and nothing had contented him better, than the command he had the former year of the troops which were sent to the assistance of the States. As he afterwards became the greatest general of the age, it will be proper to give a brief account of his rise and character.

Rise and character of the earl of Marlborough. Vertot. Boyer.

John Churchill, earl (afterwards duke) of Marlborough, was second son of Sir Winston Churchill, of Wotton Basset in Wiltshire, by Elizabeth, daughter of Sir John Drake, of Ashe in the parish of Musbury in Devonshire (k). He was born at Ashe

(k) His original is traced up to Roger de Courcill, a younger branch of the illustrious house of Leon in France, who attending William

Anne. 1701-2.

Aſhe the 24th of June, 1650. He was brought young to court, and made a page of honour to the duke of York, who,

William the Conqueror into England, received, as a reward for his ſervices a conſiderable eſtate in land; was grandfather to Sir Bartholomew de Courcill, by corruption called Currichel, and ſo Churchill, who held the caſtle of Briſtol for king Stephen; and whoſe deſcendant, Otho de Churchill, was the founder of a ſpreading family in Devonſhire, Somerſetſhire, and Wiltſhire. Of this laſt county, and of the town of Wotton Baſſet, was Winſton Churchill, Eſq; who, having had a liberal education at St. John's College, Oxon, aſſerted, and ſuffered for the cauſe of king Charles I. but upon the reſtoration was choſen member of parliament for Weymouth, admitted fellow of the royal ſociety, ſoon after knighted, and appointed commiſſioner of the claims in Ireland, where he began to retrieve his broken fortune; and afterwards, by the favour of the duke of York, made one of the clerks comptrollers of the Green-cloth to the king. By his wife Elizabeth, Sir Winſton had ſeven ſons and four daughters. I. Winſton, who died young. II. John, late duke of Marlborough. III. George, born at Aſhe, February 20, 1653. He was bred to the ſea-ſervice, and was above twenty years gentleman of the bed-chamber to prince George of Denmark. He was member for St. Albans in every parliament from 1685 to his death in 1710, except the laſt, when he ſerved for Plymouth. He commanded a ſquadron in 1689, and behaved with great bravery in the battle of La Hogue in 1692, being then commander of the St. Andrew, a ſecond rate. He was made one of the lords commiſſioners of the admiralty in 1699, where he continued till 1702, when the earl of Pembroke was made high-admiral. Queen Anne made him admiral of the Blue, and one of the council to prince George, as lord high-admiral. He was afterwards admiral of the White, and commander in chief during the indiſpoſition of Sir George Rooke. Upon the death of prince George, his commiſſion ending, he retired from buſineſs by reaſon of an ill ſtate of health. He died unmarried, May 8, 1710, and lies buried in the ſouth iſle of Weſtminſter-Abbey. IV. Charles, born at Aſhe, 1656; at the age of thirteen he was made page of honour to Chriſtian, king of Denmark, and at ſixteen, gentleman of the bed-chamber to prince George. He was made major-general of foot, and governor of Kingſale, in Ireland, and was eſteemed one of the beſt commanders of foot in Europe, of which he was made general in chief, and governor of the Tower, by queen Anne. He had a great ſhare in the battle of Blenheim; after which he was governor of Bruſſels, colonel of the Coldſtream regiment of guards, and governor of Guernſey. He married in 1702, the daughter and heireſs

Anne. 1701-2. who, upon his diſcovering a martial inclination, procured him, at the age of ſixteen, an enſign's commiſſion in the guards. He went firſt to Tangier, and afterwards to France, with the ſix thouſand Engliſh forces ſent to the aſſiſtance of the French king, under the command of the duke of Monmouth, who gave him a captain's commiſſion in his own regiment. He diſtinguiſhed himſelf in Alſatia under the marſhals de Turenne and de Lorge, and particularly at the ſiege of Maeſtricht the next year, in the ſight of the French monarch, who did him the honour to thank him for his ſervices, at the head of his army, with an aſſurance of his recommendation to the king of Great Britain. Upon his return to England, the fame of his bravery, and his ſiſter's favour, raiſed him to be a lieutenant-colonel, gentleman of the bed-chamber, and maſter of the robes to the duke of York,
1679. whom he attended in his baniſhment to the Netherlands, and in his receſs to Scotland. In 1681, he married Mrs. Sarah Jennings, then in great favour with the princeſs Anne, the duke of York's ſecond daughter, of whom an account has been given. Upon the duke's return from Scotland, colonel
1682. Churchill was created baron Churchill of Aymouth in Scotland, the 21ſt of December, 1682, and captain of the third troop of guards. When the duke of York came to the crown, the lord Churchill was made lieutenant-general, and one of the gentlemen of the bed-chamber, and ſent ambaſſador to France, to notify that prince's acceſſion to the throne. On the 14th of May, 1685, he was created a peer of Eng-

heireſs of James Goulde, Eſq; of Dorcheſter, and died December 29, 1714, in the 58th year of his age. V. Monijoy died young; as did, VI. Jaſper. VII. Theobald, bred at Queen's College, Oxford. He took orders, and died unmarried, December 31, 1685. The daughters were, 1. Arabella, born at Aſhe, 1648. She was maid of honour to the duchess of York, and afterwards favourite miſtreſs to king James II. by whom ſhe had two ſons, James Fitz-James duke of Berwick, and Henry Fitz-James, commonly called the Grand-Prior; and two daughters, Henrietta, born 1670, and, in 1683, married to Sir Henry Waldegrave, created 1686 Lord Waldegrave of Chelton, whoſe ſon James lord Waldegrave, born 1684, was created an earl 1729. The other daughter was a nun. Arabella's three ſiſters, Dorothy, Mary, and Barbara, died in their infancy. Arabella was married afterwards to colonel Charles Godfrey, and by him had two daughters; Charlotta, wife of Hugh Boſcawen, 1ſt viſcount Falmouth; and Elizabeth, wife of Edward Dunch, Eſq;

land,

land, by the title of baron Churchill, of Sandridge in Hertfordſhire. Upon the inſurrection in the Weſt, in favour of the duke of Monmouth, he commanded the firſt forces that were ſent againſt him, and, by his conduct, greatly contributed to the victory at Sedgmore. But, afterwards finding king James entirely bent upon introducing Popery and arbitrary power, he thought himſelf freed from any ties of former obligations, and joined with the other lords to invite the prince of Orange to come over to their aſſiſtance. Upon his leaving king James, he was declared lieutenant-general by the prince of Orange, who, as ſoon as he aſcended the throne, made him gentleman of his bed-chamber, and on the 9th of April, 1689, created him earl of Marlborough. The new earl commanded the Engliſh forces that ſerved the ſame year in Flanders under prince Waldeck, and, in 1690, he reduced the towns of Cork and Kingſale with incredible expedition. The next year he made the campaign under king William in Flanders; but (as hath been largely related) he was ſoon after ſuddenly removed from all his employments, nor was he reſtored to favour till the year 1698, when he was appointed governor to the duke of Glouceſter, and ſerved as one of the lords juſtices three ſeveral times during the abſence of the king, by whom he was at laſt declared commander in chief of the Engliſh forces in Holland, and ambaſſador extraordinary and plenipotentiary for the negotiations at the Hague, in which employments he was continued by queen Anne.

Anne 1701-2.

1698.

June, 1701.

heireſs of James Goulde, Eſq; of Dorcheſter, and died December 29, 1714, in the 58th year of his age. V. Montjoy died young and did. VI. Jaſper. VII. Theobald, bred at Queen's College, Oxford. He took Orders, and died unmarried, December 3, 1685. The daughters were, I. Arabella, born at Aſhe, 1648. She was maid of honour to the dutcheſs of York; and afterwards favourite miſtreſs to king James II, by whom ſhe had two ſons, James Fitz-James, duke of Berwick, and Henry Fitz-James, commonly called the Grand-Prior; and two daughters, Henrietta, born 1670, and, in 1683, married to Sir Henry Waldegrave, created, 1686, lord Waldegrave of Chelton, whoſe ſon, James lord Waldegrave, born 1684, was created an earl 1729. The other daughter was a nun. Arabella's three ſiſters; Dorothy, Mary, and Barbara, died in their infancy. Arabella was married afterwards to colonel Charles Godfrey, and by him had two daughters; Charlotta, wife of Hugh Boſcawen, lord viſcount Falmouth; and Elizabeth, wife of Edward Dunch, Eſq;

Anne. 1701-2.

He was a man of a noble and graceful appearance, bred up in the court with no literature; but he had a ſolid and clear underſtanding, with a conſtant preſence of mind. He knew the arts of living in a court beyond any man in it. He careſſed all people with a ſoft and obliging deportment, and was always ready to do good offices. He had no fortune to ſet out with, which put him upon all the methods of acquiring one. And that went ſo far in him, that he did not ſhake it off, when he was in a much higher elevation: Nor were his expences ſuited enough to his poſts. But, when allowances are made for that, it muſt be acknowledged, that he was one of the greateſt men the age has produced. He was in high favour with king James, and therefore he has been ſeverely cenſured, as guilty both of ingratitude and treachery to a very kind and liberal maſter (a). But it may be remembered in his behalf, that he never diſcovered any of that king's ſecrets, nor did he ever puſh him on to any violent proceedings; ſo that he was in no contrivance to ruin or betray him. On the contrary, whenever he ſpoke to him about his affairs, which was but ſeldom, becauſe he could not fall in with his notions, he always ſuggeſted moderate counſels. The earl of Galway told biſhop Burnet, that, when he came over to Holland with the firſt compliments upon king James's acceſſion to the crown, he ſaid then to him, that, if king James was ever prevailed with to alter our religion, he would ſerve him no longer, but withdraw from him. So early was this reſolution fixed in him. And therefore, when he afterwards ſaw how king James was determined, he could not be contented to ſee all ruined by him. He was alſo very doubtful as to the pretended birth. For theſe reaſons he reſolved, when the prince of Orange came over, to leave king James, but to betray no poſt, nor do any thing more than the withdrawing himſelf with ſuch officers as he could truſt with ſuch a ſecret. This he did with great regret at a time when it was evidently with hazard to himſelf, it not being then poſſible to foreſee that king James

(a) It is ſaid, that, when afterwards a ſcheme was forming, by king James's friends in England for his reſtoration, and a liſt was offered to him of thoſe that were to be pardoned, the king, upon ſeeing lord Churchill's name in the liſt, declared he would never forgive him, and, in being preſſed upon that head, inſiſted that he would not pardon him, unleſs he merited it by ſome ſignal ſervice. Such was king James's reſentment for his being deſerted by a perſon, whom he thought ſo much obliged to him for the many favours he had heaped upon him.

would

would ſo ſhamefully deſert the kingdom; and when he might have been all that an ambitious man could have hoped for, by aſſiſting that king to ſettle Popery in England (b). Anne. 1701-2.

The

(b) A late hiſtorian, in his Hiſtory of queen Anne, gives him the following character: The earl of Marlborough was, by nature, deſigned for a Favourite; by fortune and perſonal merit raiſed to be a GENERAL; and, by his own obſervation, and long experience of court-intrigues, made a Stateſman: His perſon was lofty and well made; his features manly, yet beautiful; his look gracious and open; his mein great; his parts quick; his memory faithful and exact; his penetration deep; his judgment ſolid; his courage undaunted; He was conſummate in all the arts of a Courtier; ſupple, affable, ſedate; reſerved, both with friends and enemies; ſober, averſe to luxury; and though, in a voluptuous court, he indulged himſelf in ſome liberties of life, yet he ſtill reſerved a good reputation with all men. He was ambitious, but free from haughtineſs and oſtentation. His aſcent was ſo gradual, and ſo long foreſeen, that it appeared rather a growth than a flight; and therefore was the leſs envied, as it ſeemed the more merited. As a Soldier, he ever was a man of nice honour, punctual, vigilant, indefatigable: Before he was advanced to the degree of a general, he had a courage of the moſt keen temper, not without ſome appetite of danger; and in the moſt perilous encounters he had about him an extraordinary chearfulneſs. When raiſed to the command of an army, he expoſed his perſon, as far as neceſſity required, with the ſame unconcernment as he did before: And, in a day of battle, gave his orders with all the clearneſs and compoſedneſs imaginable; leading on his troops without the leaſt hurry or perturbation, and rallying thoſe that were diſordered without ſharp or four reproofs, which rather damp than animate the ſoldier's courage. He was an excellent diſcerner and purſuer of an advantage upon his enemy; but preſerved humanity even amidſt the horrors of the field, endeavouring to reſtrain the ſlaughter which uſually attends victory, in which he took no greater delight, than to ſpare the lives of the conquered. He was a ſtrict obſerver of his word and promiſe; and he gained the affections of his ſoldiers by his good-nature, and of the officers by his affability. As a ſtateſman, he managed variety of buſineſs, either ſingle, or in concert with the prime miniſter, with great dexterity, eaſe, and ſufficiency. In council he never was ſupercilious or aſſuming, but could bear contradiction without paſſion, and by cool argumentation bring others over to his own opinion. No man had ever fewer idle words; and, though he was not maſter of oratory, yet in debates of importance he always expreſſed himſelf very pertinently; and, by his temper and reſervedneſs in diſcourſe, he ſtill

Anne. 1701-2.

The princeſs of Denmark was in this ſituation above deſcribed, when king William's death put an end to it, and placed her on the throne. She was entered on the thirty-eighth year of her age, and from her infancy had imbibed ſtrong prejudices againſt the Whigs. She had been taught to look upon them all, not only as Republicans, but as enemies to the Church of England. This averſion to the whole party had been confirmed by the uſage ſhe had met with from her ſiſter and king William, which was now to be charged to the account of the Whigs. And prince George, who had alſo been ill treated (as he thought) in the late reign, threw into the ſcale his reſentment. On the other hand, the Tories had the advantage, not only of the queen's early prepoſſeſſion in their favour, but of their having aſſiſted her in the affair of her revenue. It was indeed evident, that they had done this, more in oppoſition to the king, than from any real reſpect to her. But ſtill they had ſerved her; and, the winter before the king died, they had, in proſpect of his death, paid her more than uſual attendance. Hence it is, that, as ſoon as ſhe was ſeated in the throne, the Tories (whom ſhe uſually called by the agreeable name of the Church-party) became the diſtinguiſhed objects of her favour, as will preſently be ſeen.

Queen Anne prejudiced againſt the Whigs, and in favour of the Tories. Con. of the ducheſs of Marlb.

Upon the king's death, the privy-council came in a body to wait on the new queen. She received them with a well-conſidered ſpeech, expreſſed in theſe terms:

maintained his reputation of a wiſe man. He had a particular talent of inſinuating himſelf, and gaining upon the minds of thoſe he dealt with; ſo that no general ever commanded troops of different nations with more eaſe, nor was any politician more ſucceſsful in the moſt weighty and arduous negotiations; which will appear the more ſurprizing, becauſe liberality was not the brighteſt virtue that entered the compoſition of this excellent character. To ſum it up, king William ſaid of this great man, that he had the COOLEST HEAD and the WARMEST HEART he ever knew; which, from ſo good a judge, might ſeem the greateſt elogy. Were it not, that, in another reſpect, what was moſt true of the earl of Marlborough, could not be ſaid of any other general, either ancient or modern. 'That 'he never ſat before a town, 'which he did not take; nor 'ever fought a battle, which he 'did not win.'

'My

" My lords,

" I Am extremely ſenſible of the general misfortune to theſe kingdoms, in the unſpeakable loſs of the king, and the great weight and burden it brings in particular on myſelf; which nothing could encourage me to undergo, but the great concern I have for the preſervation of our religion, and laws and liberties of my country. All theſe being as dear to me, as they can be to any perſon whatſoever, you may depend upon it, that no pains nor diligence ſhall ever be wanting on my part, to preſerve and ſupport them; to maintain the ſucceſſion in the Proteſtant line, and the government in church and ſtate as it is by law eſtabliſhed. I think it proper, upon this occaſion of my firſt ſpeaking to you, to declare my own opinion of the importance of carrying on all the preparations we are making to oppoſe the great power of France; and I ſhall loſe no time in giving our allies all aſſurances, that nothing ſhall be wanting on my part, to purſue the true intereſt of England, together with theirs, for the ſupport of the common cauſe. In order to theſe ends, I ſhall always be ready to aſk the advice of my council, and of both houſes of parliament, and deſirous to countenance and employ all thoſe, who ſhall heartily concur and join with me, in ſupporting and maintaining the preſent eſtabliſhment and conſtitution againſt all enemies and oppoſers whatſoever." The Queen's ſpeech to the privy-council. Pr. H. C. III. 197.

The queen pronounced this, as ſhe did all her other ſpeeches, with great weight and authority, and with a ſoftneſs of voice, and ſweetneſs in the pronunciation, that added much life to all ſhe ſpoke; and theſe, her firſt expreſſions, were heard with great and juſt acknowledgements. After this declaration, ſhe cauſed all the lords, and others of the late king's privy-council, to take the oaths to her in the ſame quality, and ordered a proclamation to be publiſhed immediately, ſignifying her pleaſure, that all perſons being in office of authority or government, at the deceaſe of the late king, ſhould ſo continue till further directions. Burnet. Boyer.

As, by the act made five years before, the parliament, notwithſtanding the king's death, was now continued to ſit; both houſes met the ſame day, and unanimouſly voted to addreſs the queen to condole with her on this ſad occaſion, and to congratulate her happy acceſſion to the throne. Then the

Anne. 1701-2. lords in a conference acquainted the commons, that orders were given for proclaiming her majeſty that afternoon; which was accordingly done with the uſual ſolemnity, and the loud acclamations of the people: Though it is remarkable, that this day afforded a viſible mixture of ſorrow and joy; many being apprehenſive, that the death of king William, at ſo critical a juncture, might be attended with conſequences fatal to Europe in general, and to the Proteſtant ſucceſſion of theſe kingdoms in particular.

Queen Anne proclaimed. March 8.

The next day, purſuant to their vote, the lords in a body attended the queen with an addreſs, "Moſt heartily congratulating her majeſty's acceſſion to the throne, aſſuring her of their zealous and firm reſolution to ſupport her undoubted right and title, and the ſucceſſion of the Proteſtant line, againſt all her enemies whatſoever; being ſenſible, their great loſs was no otherwiſe to be repaired, to themſelves and their confederates, but by a moſt ſincere and vigorous adherence to her majeſty and her allies, in the proſecution of thoſe meaſures, already entered into, to reduce the exorbitant power of France: And humbly deſiring, that, for the encouragement of her majeſty's allies, no time might be loſt in communicating to them her majeſty's reſolutions of adhering firmly to the alliances already made, which they ſhould never be wanting, to the utmoſt of their power, to enable her majeſty to maintain." The queen told them, "She received theſe aſſurances with great ſatisfaction, and that her endeavours ſhould always be ſincere to promote the true intereſt of England, and to ſupport their common cauſe."

The lords addreſs to the queen. March 9.

The ſame day in the evening the commons, with their ſpeaker, attended her majeſty with an addreſs to the ſame purpoſe: "They unanimouſly aſſured her, that they would to the utmoſt aſſiſt and ſupport her majeſty on that throne, where God had placed her, againſt the pretended prince of Wales, and all her enemies. And ſince nothing could conduce more to the honour and ſafety of her majeſty and her kingdoms, than maintaining inviolably ſuch alliances as had been, or ſhould be made, for preſerving the liberties of Europe, and reducing the exorbitant power of France; they aſſured her, that they were firmly reſolved to inable her to proſecute that glorious deſign. And, that all her ſubjects might reſt in a full aſſurance of happineſs under her majeſty's reign, they would maintain the ſucceſſion of the crown in the Proteſtant line, according to the limitations in the ſeveral acts of ſettlement, and effectually pro-

The commons addreſs.

provide for and make good the Public Credit of the na- Anne,
"tion." The queen returned them "her hearty thanks 1702.
"for the kind aſſurances they gave her, which could not be
"more agreeably confirmed to her, than by their giving
"diſpatch in all their preparations for the public ſervice,
"and the ſupport of the allies." And this good harmony between the queen and her parliament, together with the reſolution of the commons about Public Credit, immediately raiſed the national funds above their former value, which upon king William's death had fallen above fifteen per cent. The queen not only anſwered the addreſſes of both houſes in this favourable manner, but moreover ſhe received all that came to her ſo graciouſly, that they went from her highly ſatisfied with her goodneſs and her obliging deportment; for ſhe hearkened with attention to every thing that was ſaid to her.

Two days after, the queen went to the houſe of peers with the uſual ſolemnity, and addreſſed herſelf to both houſes in the following ſpeech:

"My lords and gentlemen,

"I Cannot too much lament my own unhappineſs, in ſuc- The Queen's
"ceeding ſo immediately after the loſs of a king, who firſt ſpeech
"was the great ſupport, not only of theſe kingdoms, but of to both
"all Europe. And I am extremely ſenſible of the weight houſes.
"and difficulty it brings upon me. March 11.
Pr. H. C.
III. 198.

"But the true concern I have for our religion, for the laws
"and liberties of England, for the maintaining the ſucceſſion
"to the crown in the Proteſtant line, and the government in
"church and ſtate, as by law eſtabliſhed, encourages me in
"this great undertaking, which I promiſe myſelf will be ſuc-
"ceſsful by the bleſſing of God, and the continuance of that
"fidelity and affection, of which you have given me ſo full
"aſſurance.

"The preſent conjuncture of affairs requires the greateſt
"application and diſpatch; and I am very glad to find in
"your ſeveral addreſſes ſo unanimous a concurrence in the
"ſame opinion with me, that too much cannot be done for
"the encouragement of our allies, to reduce the exorbitant
"power of France.

"I cannot but think it very neceſſary upon this occaſion
"to deſire you to conſider of proper methods towards ob-
"taining of an Union between England and Scotland,
"which has been ſo lately recommended to you, as a mat-

"ter

Anne, 1701-2. "ter that very nearly concerns the peace and ſecurity of both "kingdoms.

"Gentlemen of the houſe of commons,

"I need not put you in mind, that the revenue for de- "fraying the expences of the civil government is ex- "pired.

"I rely intirely upon your affections for the ſupplying it in "ſuch a manner, as ſhall be moſt ſuitable for the honour and "dignity of the crown.

"My lords and gentlemen,

"It ſhall be my conſtant endeavour to make you the beſt "return for that duty and affection you have expreſſed to me, "by a careful and diligent adminiſtration for the good of all "my ſubjects. And, as I know 'my own heart to be intirely "Engliſh,' I can very ſincerely aſſure you, there is not any "thing you can expect or deſire from me, which I ſhall not "be ready to do, for the happineſs and proſperity of Eng- "land; and you ſhall always find 'me a ſtrict and religious "obſerver of my word."

Remarks on the ſpeech. Burnet.

There were two paſſages in this ſpeech, which were thought not ſo well conſidered; particularly, that expreſſion, that "her heart was intirely Engliſh," which was looked on as a reflection on the late king, and occaſioned much diſcourſe, and not a little diſcontent. The other paſſage was, that, "they ſhould always find her a ſtrict and religious ob- "ſerver of her word," there having been an expreſſion of the ſame kind in her Father's firſt ſpeech, how little ſoever it was afterwards remembered by him.

The lords addreſs of thanks. March 13.

The commons, the next day, returned their thanks for the queen's ſpeech, by ſuch members of their houſe, as were of the privy-council; and, the day following, the lords attended her with an addreſs, importing, "That they could "not ſufficiently expreſs the great ſatisfaction they received "from her moſt gracious ſpeech, truſting in God it would "have the ſame effect at home as abroad, equally reviving "the hearts of her allies and ſubjects; uniting all people, "and encouraging their utmoſt endeavours in the common "cauſe. That the ſincere concern her majeſty had ſhewed "for our religion, the government in church and ſtate, and "the ſucceſſion to the crown in the Proteſtant line; the ha- "zards ſhe had expoſed herſelf to, in concert with his late "glo-

" glorious majeſty, for maintaining our laws and liberties, as well her moſt gracious aſſurances at this time, gave her ſubjects ſuch a confidence in her promiſes, ſuch a dutiful affection to her perſon, ſuch a zeal for her ſervice, as would oblige them to make the utmoſt efforts to ſupport her majeſty under the weight and difficulties of the preſent conjuncture. The concern (added their lordſhips) your majeſty expreſſes for your allies, is a farther obligation laid upon us, who are ſenſible their preſervation is neceſſary to our own, and who are as deſirous as ever to ſupport the character of the crown of England, in enabling your majeſty to maintain the balance of Europe. We cannot make ſuitable returns to your majeſty for your moſt gracious promiſes of a careful and diligent adminiſtration for the public good, which we think ourſelves ſufficiently ſecured of by ſo ſolemn an engagement under your ſacred word. Your majeſty hath been pleaſed to aſſure us of all we could wiſh, and recommend to us what we ought to deſire. And we doubt not your pious intentions will procure a bleſſing from Heaven. And your majeſty may be aſſured, that reſolutions, ſo becoming a queen of England, cannot but make the deepeſt impreſſion upon all hearts, that are true to the intereſt of their country." To this the queen was pleaſed to anſwer, " That it was a great ſatisfaction to her to find, that what ſhe had ſaid had their lordſhips concurrence and approbation; and ſhe was willing to repeat to them, that ſhe ſhould always hold very exactly to the aſſurances ſhe had given them." Anne. 1701-2.

The addreſs of condolence and congratulation of the biſhops and clergy of London having the ſame day been preſented to the queen by the archbiſhop of Canterbury, the biſhop of London being indiſpoſed, her majeſty made anſwer, " That ſhe was very well pleaſed with the marks of their good-will, and they might be ſure ſhe ſhould always have a particular care of the Church." The Diſſenters, in and about London, preſented alſo an addreſs, which was the more remarkable, becauſe all the Non-conformiſts (except the Quakers) joined in it. The queen, in her anſwer, " aſſured them of her protection, and that ſhe ſhould do nothing to forfeit her intereſt in their affections." Which words were afterwards remembered, when the royal aſſent was given to the Schiſm and Occaſional bills. The city of London, and all the counties, cities, and even the ſubaltern bodies of cities, came up with addreſſes. In theſe, a very great Addiſon, from all parts of the kingdom. Burnet. Boyer.

Anne. 1701-2. great diverſity of ſtile was obſerved; ſome mentioned the late king in terms full of reſpect and gratitude; others named him very coldly; ſome took no notice of him, nor of his death, and ſimply congratulated her acceſſion to the crown; and ſome inſinuated reflections on his memory, as if the queen had been ill uſed by him. Her majeſty received all civilly; to moſt ſhe ſaid nothing, to others ſhe expreſſed herſelf in general words, and ſome things were given out in her name, which ſhe diſowned.

Conſternation in Holland at the king's death. Burnet. Lambert.

The conſternation at the Hague for king William's death was exceeding great. Upon the firſt news of it, the States-general and thoſe of Holland aſſembled immediately: They looked upon one another as men amazed: They embraced each other, and promiſed to hold together, and adhere to the intereſts of their country: They ſate up moſt part of the night, and ſent out all orders that were neceſſary, upon ſo extraordinary an emergency, and diſpatched letters to the provinces and to the cities of Holland, to acquaint them with the news, and to exhort to union, and a perſeverance in the alliances and concerted deſigns. The Imperial, Pruſſian, and Daniſh miniſters ſent alſo expreſſes to their reſpective courts on this occaſion, and went all to the Engliſh envoy's. Count Goez encouraged them, by aſſuring them, this accident would not cauſe the leaſt alteration in the reſolutions of the emperor, and that he had juſt received the important news from Vienna, that the king of the Romans would in perſon make the campaign on the Rhine. As the expreſs from England had brought the queen's ſpeech to her privy-council, it was agreed by theſe miniſters, that it ſhould be tranſlated into French and Dutch, in order to revive the dropping ſpirits of the people, which had a very good effect. The next day, the States-General met early in the morning, and again in the evening. The States of Holland being likewiſe aſſembled, penſionary Fagel made them a moving, but withal an encouraging ſpeech. He imparted to them a letter he had received from the earl of Marlborough in the queen's name, with very expreſs aſſurances of union, aſſiſtance, and vigour. Upon this, the States of Holland went in a body to the aſſembly of the States-general, where, having condoled their irreparable loſs, they repreſented, "That, "in this dangerous conjuncture, nothing could prove more "effectual for their preſervation, than a perfect unity, mu-"tual confidence, and a vigorous reſolution for the defence "of their country, and by adhering firmly to thoſe mea-"ſures already entered into, and ſuch as ſhould be judged

March 25. N. S.

"far-

farther expedient for the good of the common cauſe; declaring withal, that they were ready to perform their part, and rather to ſacrifice all their blood and treaſure, than to ſee their State, their Liberty, and their Religion deſtroyed." This repreſentation was highly applauded by the States-general, who returned thanks to the States of Holland for their zealous reſolutions in that perilous conjuncture; and aſſured them of their hearty concurrence for the ſafety and welfare of the State, and ſtrenuouſly carrying on the common cauſe; and they ordered letters to be ſent to the other provinces, to invite them to give the ſame aſſurances. The city of Amſterdam, to ſignalize themſelves more particularly on that occaſion, ſignified to the States-general, that they would not only conſent to ſuch reſolutions, as ſhould be thought neceſſary at that time, but would advance money to thoſe provinces, which could not ſo readily furniſh out their quotas that ſhould be granted. The States-general, ſoon after, publiſhed their reſolutions at large in print, to the ſame effect, and concluded, "That they were reſolved religiouſly to maintain their treaties and alliances, entered into with their confederates; ſtedfaſtly to purſue the contents thereof; vigorouſly and cordially to put them in execution; to perſevere in the meaſures already taken, and agree to ſuch other meaſures as ſhould be thought convenient; and that notice ſhould be given of this their true meaning and intention to all their allies and confederates." Anne. 1701-2.

For a farther encouragement to the States, the next poſt brought a letter, in French, from queen Anne, which ſhe had writ purſuant to her declaration in council, and the lords deſire in their firſt addreſs. The letter was ſent to Mr. Stanhope, with new credentials as envoy extraordinary from England, both which, as he was then ill of the gout, he immediately delivered by the hands of his ſecretary, to the preſident of the week (c). The queen ſends a letter to the States. Lamberti.

Theſe

(c) The queen's letter was as follows:

"High and mighty lords, our dear friends, allies and confederates;

"It is not without a ſenſible "grief, that we find ourſelves "obliged to acquaint you with "the afflicting news of the death "of the moſt high and moſt "mighty prince, William III, "king of England, Scotland, "France, and Ireland, our moſt "dear brother, of glorious me"mory. He was ſeized on "Wedneſday laſt with a few

which

Anne. 1701-2.

The Earl of Marlborough made Knight of the Garter, and ſent ambaſſador to Holland.

March 31. N. S.

Theſe aſſurances from the queen, and the good diſpoſition of both houſes of parliament, expreſſed in their addreſſes (which were alſo come over) were a great comfort to the States in the loſs of the ſtadtholder; but what revived them moſt, was the arrival of the earl of Marlborough, with the character of ambaſſador extraordinary and plenipotentiary. The queen, five days after her acceſſion, had made him and the duke of Bedford knights of the Garter; and the next day, having declared the earl captain-general of her forces both at home and abroad, ſhe ſent him into Holland, to give the States full aſſurances of her maintaining the alliances, that had been concluded by the late king, and of doing every thing that the common concerns of Europe required. This the ambaſſador delivered, in a ſpeech to the States, which was printed and diſperſed for the ſatisfaction of the people (d).

Dyckvelt,

" which ſo much increaſed the " following days, that, notwithſtanding all the remedies " that were made uſe of, he " expired at eight of the clock " on Sunday morning. This is " certainly a very great loſs to " all Europe, and in particular " to your State, whoſe intereſt " he always maintained with ſo " much valour, prudence, zeal " and conduct. And as it has " pleaſed God, that we ſhould " ſucceed him in the throne of " theſe kingdoms, we ſhall alſo " ſucceed him in the ſame inclination to preſerve a conſtant union and amity with " you, and maintain all the alliances, that have been made " with your State, by our ſaid " dear brother, and other our " predeceſſors; and likewiſe to " concur with you in all the " meaſures, that ſhall be neceſſary for the preſervation of " the common liberty of Europe, " and for reducing the power " of France within due bounds. " This we deſire you to be fully " aſſured of, and that we ſhall " always look upon the intereſts " of England, and theſe of your " State, to be inſeparable, and " united by ſuch ties as cannot " be broke, without the greateſt " prejudice to both nations. " We pray God to keep you, " high and mighty lords, in his " holy protection."

Given at our court at St. James's, March 10, 1702, in the firſt year of our reign.

(d) The ſpeech tranſlated from the French was as follows:

" High and mighty lords,

" It having pleaſed the Divine Providence to take to " himſelf his majeſty king William of glorious memory, to " the great loſs of his kingdoms, the State of your high " and mighty lordſhips, and of " all Europe; the queen, my " miſtreſs, who by the ſame " Divine Providence ſucceeds " to the throne of her anceſtors, " as your lordſhips have been " in-

Dyckvelt, the preſident of the week, anſwered this ſpeech in the name of the States, "Expreſſing their great affliction for the death of the late king; their congratulation of her majeſty's ſucceſſion to the throne; their hearty thanks for the aſſurance of her friendſhip, and their own reſolution readily to concur with her majeſty in a vigorous perſecution of the common intereſt." To which he added, Anne. 1701-2.

"informed by her majeſty's letter, hath commanded me to declare to your lordſhips, that it is her ſincere deſire and inclination to preſerve with you the ſame union, friendſhip, and ſtrict correſpondence, as hath ſubſiſted during the courſe of the preceding reign, as being perſuaded, that nothing in this world can be more conducive to the ſafety and welfare of both nations, whoſe intereſts are the ſame. Her majeſty hath alſo ordered me to acquaint your high and mighty lordſhips, that ſhe is firmly reſolved to contribute all that lies in her power towards the promoting and increaſing this union, friendſhip, and correſpondence, and to make that a conſtant maxim of her government.

"Her majeſty has further commanded me to aſſure your high and mighty lordſhips, that ſhe will not only exactly and faithfully obſerve and execute the treaties and alliances made between the kings her predeceſſors and your high and mighty lordſhips, but that ſhe is likewiſe ready to renew and confirm them; as alſo to concur with you in all meaſures, which have been taken by the late king of glorious memory, in purſuance of theſe alliances.

"Her majeſty is likewiſe diſpoſed to enter into ſuch other ſtricter alliances and engagements, which ſhall moſt conduce to the intereſts of both nations, to the preſervation of the liberty of Europe, and to the reducing within juſt bounds the exorbitant power of France.

"In the mean time, her majeſty is ready from this moment, and without any delay, to concur with your high and mighty lordſhips, and the other allies, to this end, with all her forces, as well by ſea as land.

"And her majeſty, to ſhew her zeal the more, has been pleaſed to authorize me to concert with your high and mighty lordſhips the neceſſary operations.

"Theſe motives obliged her majeſty to order me to depart with all ſpeed, to come and give your high and mighty lordſhips all poſſible aſſurances, without having any regard to the uſual formalities.

"And I deem it a very great happineſs, that her majeſty has done me the honour to employ me in this commiſſion, ſince it gives me the opportunity of expreſſing to your high and mighty lordſhips the zeal I have for your ſervice." Lamberti, Vol. I. 88.

"That

Anne. 1701-2. "That his excellency's perſon would be highly acceptable "to them, not only for the queen's choice of him, and for "the ſake of king William, who firſt inveſted him with that "character, but for his own merit." It was obſerved, that, when the preſident mentioned the late king, the tears ran down his cheeks.

Proceedings of France upon king William's death. Lamberti. Broderick.

The news of king William's death was received in France with ſuch joy, that the court and people could hardly contain themſelves, without breaking out into the moſt furious tranſports; as was done at Rome to ſuch a degree of extravagance, that cardinal Grimani, the imperial miniſter, complained of it to the pope, as an affront to his maſter, the emperor, who was the deceaſed king's friend, ally, and confederate. But little notice was taken of it. They were ſo afraid in France that the news would not prove true, that the perſon who brought it firſt to Calais, was ſeized by the governor's order, and kept in priſon till it was confirmed. However, the French king finding that the death of king William would not have that effect, either in England or Holland, as he had promiſed himſelf, immediately ſent inſtructions to the ſieur de Barré (who was left at the Hague by count d'Avaux as ſecretary to the embaſſy) to renew negotiations with the States, in hopes of ſeparating them from their allies. To give the more weight to what he ſhould propoſe, credentials were ſent to Barré to take upon him the character of reſident. Theſe credentials were produced by Barré, the day before the earl of Marlborough had his public audience; and it was ſoon perceived, that this new character was given him for the ſake of a memorial, which was preſented at the ſame time. This memorial highly reflected as well on the late king, as on the paſt conduct of the Dutch, inſinuating, that, as now they would recover their liberty, and be no longer under reſtraint, they would conſult their own intereſt, and look upon a good intelligence with France as the firmeſt ſupport of their republic. The reſident himſelf printed his memorial, in a belief, that the States, under their conſternation for the death of their ſtadtholder, would recede from the reſolutions they had before taken, and that the people would be influenced by it. He alſo vainly hoped it would have retarded the earl of Marlborough's audience. The firſt thing the States did, was to communicate the memorial to count de Goez the emperor's envoy. The earl of Marlborough and the penſionary (with whom the earl had daily conſered ever ſince his arrival) perſuaded him to preſent

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a memorial to the States upon that of reſident Barré, and to publiſh the ſame, which was accordingly done. Among other remarks on Barré, Goez takes notice of "That reproachful flattery, that their lordſhips were now more "maſters of themſelves, than they were fourteen days "ago; which is contrary to the opinion, that all men "have of their great wiſdom, and is no way conſiſtent "with the univerſal grief over all the provinces, for the "fatal alterations which the French memorial points at." The States likewiſe, after examining Barré's memorial, publiſhed an anſwer to it, wherein they expreſſed their reſentment at his inſinuations, and their veneration for the memory of their late friend and ſupporter, in theſe terms: "That they are very much ſurprized to ſee, that "this whole memorial ſeems founded upon this: That "they are now more at liberty to take ſuch reſolutions "as they think expedient than formerly. Doubtleſs, this "has reference to the death of his majeſty the late king "of Great-Britain, of immortal memory. But herein the "ſaid ſieur reſident has extremely deceived himſelf, for "want of underſtanding the conſtitution of their go-"vernment. That he ought to know, that their high "and mighty lordſhips have heretofore had as much li-"berty, as at preſent, to debate and to take all ſuch "reſolutions as they judged neceſſary and uſeful for the "good and preſervation of their State. It is true, they "cannot enough deplore their misfortune, to ſee them-"ſelves deprived of the direction and conduct of a prince, "whoſe wiſdom, moderation, and valour will be famed "as long as the world endures. A prince, whoſe he-"roic actions, and whoſe merits from this republic, will "never be forgot: And, in a word, whoſe death is la-"mented in this country by all perſons whatſoever, from "the meaneſt to the higheſt. That the councils of his "ſaid majeſty having never had any other aim both in "deed and in word, than the preſervation of their liber-"ty and religion, and their high and mighty lordſhips "being intirely convinced of this truth, as having found "the benefit thereof; they are reſolved to follow the "ſame principles, and not to depart from the alliances "contracted during the life of his ſaid majeſty; but to "perſiſt in the meaſures taken purſuant to thoſe alliances; "and, in ſhort, to make uſe at all times of the means "God hath put into their hands for maintaining the liber-"ties of Europe."

Anne. 1701-2.

Anne. 1702.

The earl of Marlborough's ſtay in Holland, though it was but a few days, was to very good purpoſe. He had confirmed the Dutch in their former reſolutions, and ſettled ſeveral important affairs with the States, particularly for the opening the campaign, for the ſiege of Keyſerſwaert (which by his advice was firſt to be undertaken) and the attack of Cadiz. He had agreed with the States and the Imperial miniſter, that war ſhould be proclaimed againſt France the ſame day * at Vienna, London, and the Hague. During his ſtay, the States had entered into ſuch a confidence with the earl of Marlborough, that he departed as well ſatisfied with them, as they were with him. He embarked on the 3d of April, and on the 5th arrived in England.

The earl of Marlborough returns to England. April 5.

* May 15. N. S.

The civil liſt ſettled.

Mean while, the houſe of commons were purſuing the affairs recommended to their conſideration from the throne. The queen, in her firſt ſpeech, had put them in mind of the expiration of the civil liſt revenue. Accordingly, a bill paſſed both houſes, to continue to her for life the ſame revenue that was payable to the late king, though many ſeemed to apprehend, that ſo great a revenue might be applied to uſes, not ſo profitable to the public, in a reign that was to be frugal, and probably would not be ſubject to great accidents. When the queen, on the 30th of March, came to the houſe of peers, to give the royal aſſent to this bill, ſhe made a ſpeech to both houſes, "Returning thanks to the commons, in particular, for continuing to her the ſame revenue they had granted to the late king;" and aſſuring them, "That, while her ſubjects remained under the burden of ſuch great taxes, ſhe would ſtreighten herſelf in her own expences, rather than not contribute all ſhe could to their eaſe and relief, with a juſt regard to the ſupport of the honour and dignity of the crown: 'And that, though' the revenue might fall very ſhort of what it had formerly produced, ſhe would give directions, that one hundred thouſand pounds be applied to the public ſervice in this year, out of the revenue they had ſo unanimouſly given her."

This politic generoſity was received with great applauſe, and particular notice was taken of it in all the addreſſes that came up afterwards.

A bill for the public accounts paſſes.

At the ſame time, the queen paſſed a bill for receiving and examining the public accounts; and, in her ſpeech, ſhe expreſſed a particular approbation of that bill: A commiſſion to the ſame effect had been kept up, for ſix or ſeven years, during the former reign, but it had been let fall for ſome years; ſince the commiſſioners had never been able to make any diſcovery

covery whatſoever, and ſo had put the public to a conſidera- Anne.
ble charge, without reaping any ſort of fruit from it. Whe- 1702.
ther this flowed from the weakneſs or corruption of the commiſſioners, or from the integrity or cunning of thoſe, who dealt in the public money, cannot be determined. The party, that had oppoſed the late king, had made this the chief ſubject of their complaints all the nation over, that the public was robbed, and that private men lived high, and yet raiſed large eſtates out of the public treaſure: This had a great effect over England; for all people naturally hearken to complaints of this kind, and very eaſily believe them: It was alſo ſaid, to excuſe the fruitleſneſs of the former commiſſions, that no diſcoveries could be made, under a miniſtry, that would ſurely favour their under-workmen; though they were known to be guilty. One viſible cauſe of men's raiſing great eſtates, who were concerned in the adminiſtration, was this, that for ſome years the parliament laid the taxes upon very remote funds; ſo that, beſides the diſtance of the term of payment, for which intereſt was allowed, the danger the government itſelf ſeemed to be often in (upon the continuance of which, the continuance and aſſignment of theſe funds was grounded) made that ſome tallies were ſold at a great diſcount, even of the one half, to thoſe who would employ their money that way, by which great advantages were made. The gain, that was made, by robbing the coin, in which many goldſmiths were believed to be deeply concerned, contributed not a little to the raiſing thoſe vaſt eſtates, to which ſome had grown, as ſuddenly as unaccountably. All theſe complaints were eaſily raiſed, and long kept up, on deſign to caſt the heavier load on the former miniſtry: This made that miniſtry, who were ſenſible of the miſchief the clamour did them, and of their own innocence, promote the bill with much zeal, and put the ſtrongeſt clauſes in it, that could be contrived to make it effectual. The commiſſioners named in the bill were the hotteſt men in the houſe, who had raiſed as well as kept up the clamour with the greateſt earneſtneſs. One clauſe put in the act was not very acceptable to the commiſſioners; for they were rendered incapable of all employments during the commiſſion: The act carried a retroſpect quite back to the revolution: It was given out, that great diſcoveries would be made by them, and the art and induſtry, with which this was ſpread over England, had a great effect in the elections to the ſucceeding parliament.

On the 24th of March, the ſpeaker and members preſent took the abjuration-oath, directed in the act made this ſeſſion, The abjuration-oath is refuſed by few. Burnet.

Anne. 1702. 'for the further ſecurity of her majeſty's perſon, and the ſucceſſion of the crown in the Proteſtant line, and for extinguiſhing the hopes of the pretended prince of Wales, according to the alterations lately agreed to by the houſe.' Before the king's death, it had been generally thought, that ſome in both houſes, and many more over the nation, would refuſe that oath, ſince they had oppoſed it ſo vehemently; and ſome indeed went out of town when the day came, in which the houſes reſolved to try all their members. But they ſoon came to other reſolutions, and with them almoſt the whole party came and took the oath, and profeſſed great zeal for the queen, and an intire ſatisfaction in her title. Some ſuſpected this was treachery, on deſign to get the government into their hands, that ſo they might deliver it up, or at leaſt that they might carry a parliament ſo to their mind, that the act might be repealed; and they might think, that then the oath would fall with it. Diſtinctions were ſet about among them, which heightened theſe ſuſpicions; for, though in the oath they declared, that the pretended prince of Wales had not any right whatſoever to the crown, yet in a paper, which biſhop Burnet ſaw, and which was handed about among them, it was ſaid that Right was a term of law, which had only relation to Legal Rights, but not to a Divine Right, or to Birthright; ſo, ſince that right was condemned by law, they, by abjuring it, did not renounce the Divine Right, that he had by his birth. They alſo ſuppoſed, that this abjuration could only bind, during the preſent ſtate of things, but not in caſe of another revolution, or of a conqueſt. But this was too dark an affair to be inquired after, or ſeen into, in the ſituation, in which matters then were.

A miniſtry formed. Burnet. Conduct of the dutcheſs of Marlborough.

The queen being ſettled in the throne, began to think of forming her miniſtry, wherein ſhe plainly diſcovered her partiality to the Tories, in favour of whom ſhe had been all along prepoſſeſſed, as thinking them better affected to the Church than the Whigs. In vain did the counteſs of Marlborough, who was appointed groom of the ſtole, and keeper of the privy purſe (a), uſe her endeavours to moderate her zeal for the Tories, and engage her to a better opinion of the oppoſite party. Her influence over the queen, how great ſoever in other reſpects, was in this caſe but of little

(a) The ladies of the bed-chamber were, the ducheſſes of Ormond and Queenſbury; the counteſſes of Scarborough, Burlington and Abington; the marchioneſs of Huntingdon; the ladies Hyde, Spencer, Fretcheville, Charlotte Beverwert, and Harriot Godolphin; and the ducheſs of Hamilton.

effect;

effect; and the lords Marlborough and Godolphin themſelves would not have had ſo great a ſhare of her favour and confidence, if they had not been reckoned in the number of the Tories. The truth is, both theſe lords had been educated in the perſuaſion, that the Tory party were the beſt friends to the conſtitution both of church and ſtate; nor were they perfectly undeceived, but by experience. Anne. 1702.

Dr. John Sharp, archbiſhop of York, was pitched upon by the queen herſelf to preach the ſermon at her coronation, (which was performed on St. George's day, April 23, with the uſual magnificence) and to be her chief counſellor in church-matters. The late king had ſent a meſſage to the earl of Rocheſter, ſome weeks before his death, to let him know, that he had put an end to his commiſſion of lord lieutenant of Ireland; but that was not executed in form; ſo the commiſſion ſtill ſubſiſted in his perſon, and he was now declared lord lieutenant of Ireland. The lord Godolphin was, on the 6th of May, declared lord high-treaſurer. This was very uneaſy to himſelf, for he reſiſted the motion long; but the earl of Marlborough, whoſe eldeſt daughter was married to that lord's eldeſt ſon, preſſed it in ſo poſitive a manner, that he ſaid he could not go beyond ſea to command the armies, unleſs the treaſury was put into his hands, for then he was ſure, that remittances would be punctually made to him. The earl was declared captain-general; and the prince of Denmark, on the 17th of April, had the title of generaliſſimo of all the queen's forces by ſea and land; and it was for ſome time given out, that he intended to go beyond ſea, to command the armies of the alliance; but this report ſoon fell, it being ſaid, that the Dutch were not willing to truſt their armies to the command of a prince, who might think it below him to be limited by their inſtructions, or to be bound to obey their orders. The late king had diſſolved the commiſſion for executing the office of lord high-admiral, and had committed that great truſt to the earl of Pembroke. The ſecrets of that board had been ſo ill kept, and there was ſuch a faction in it, that the king reſolved to veſt it in a ſingle perſon. The earl of Pembroke was not eaſily brought to ſubmit to it; he ſaw it would draw a heavy load upon him, and, was ſenſible, that, by his ignorance of ſea-affairs, he might fall into errors. To avoid which, he made uſe of good officers to aſſiſt him, and, reſolving to command the fleet in perſon, took great pains to put things in ſuch order, that it might be ſoon ready. A land army was deſigned to go with the fleet, to the command of which the duke of Ormond had been named. But, upon new meaſures, the earl of Pembroke

Anne. 1702. was firſt ordered not to go to ſea in perſon, and ſoon after diſmiſſed from his poſt, with the offer of a great penſion, which he generouſly refuſed, though the ſtate of his affairs and family ſeemed to require it. Prince George, on the 21ſt of May, was made lord high-admiral, and appointed Sir George Rooke, Sir David Mitchel, George Churchill, admiral of the blue ſquadron, and Richard Hill, Eſq; to be his council; though the legality of ſuch a council was much queſtioned, as it was a new court, which could not be authorized to act but by an act of parliament; yet, out of reſpect to the queen, no public queſtion was made of it, and the objection to it never went beyond a ſecret murmur. On the 14th of April, the duke of Devonſhire was appointed lord ſteward, the earl of Jerſey lord chamberlain, the earl of Bradford treaſurer, and Peregrine Bertie vice-chamberlain, and Sir Edward Seymour comptroller of the houſhold, who, three days after, was likewiſe ſworn of the privy-council; and the earl of Abingdon, viſcount Weymouth, lord Dartmouth, Muſgrave, Greenvil, How, Gower, Harcourt, with ſeveral others who had, during the laſt reign, expreſſed the moſt violent and unrelenting averſion to the whole adminiſtration, were now brought to the council-board, whilſt the names of the lord Sommers and Hallifax, and of ſeveral others firmly attached to the revolution-principles, were left out of the liſt. The privy-ſeal, to the admiration of all men, was given to the marquis of Normanby (b), and to Sir John Leviſon Gower the chancellorſhip of the duchy of Lancaſter. On the ſecond of May, the earl of Nottingham and Sir Charles Hedges were appointed ſecretaries of ſtate, in the room of the earl of Manchester and Mr. Vernon, the latter of whom was however made one of the tellers of the exchequer. The Tories would truſt none but the earl of Nottingham, and he would ſerve with none but Sir Charles Hedges; and the maxim laid down at court was, to put the direction of affairs in the hands of that party, who promiſed to carry on the war, and to maintain the alliances. If they failed in this, it was ſaid, the queen would put her affairs into other hands, which at that time few could believe (c).

(b) It is ſaid, that the marquis (when earl of Mulgrave) made his addreſſes to the queen (then princeſs Anne) ſome years before her marriage with the prince of Denmark; and, tho' his addreſſes were checked as ſoon as diſcovered, yet ſhe always retained a great regard for him.

(c) The earl of Marlborough himſelf acquainted biſhop Burnet with this circumſtance.

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The queen continued all the judges in their poſts, except Mr. juſtice Turton and Mr. baron Hatſell; and moſt of the lord-lieutenants of counties; nor did ſhe make any change in the foreign miniſters. It was generally believed, that the earl of Rocheſter and his party were for ſevere methods, and for a more intire change quite through all ſubaltern employments; but the lord Godolphin and the earl of Marlborough were for more moderate proceedings; ſo that, though no Whigs were put in any poſts, yet many were kept into thoſe, which they had enjoyed during the former reign. Anne. 1702.

But, though the principal preferments were thus given to perſons of the ſame party, there ſoon appeared a diviſion among them, occaſioned by a rivalſhip between the earls of Rocheſter and Marlborough, in which, notwithſtanding the near relation of the former to her majeſty, the latter ſoon gained the aſcendant. It having been moved in council, on the 2d of May, to declare war againſt France and Spain, the earl of Rocheſter and ſome other members repreſented the inconveniencies, that might attend ſuch a ſtep, urging, that it was ſafer for the Engliſh to act only as auxiliaries. But the earl of Marlborough maintained, on the contrary, that it not only became the honour of the crown and nation to make good the late king's engagements, but that France could never be reduced within due bounds, unleſs the Engliſh entered as principals in the quarrel. This opinion being ſupported by the dukes of Somerſet and Devonſhire, the earl of Pembroke and ſome others, the majority of the council declared for it, and the queen ordered a declaration of war to be drawn up. However, the queen being willing to have the advice of her commons upon this important affair, Sir Edward Seymour, by her command, laid before them, the ſame day, a convention between her Majeſty, the Emperor, and the States General, about declaring war againſt France and Spain; after the reading of which, the commons unanimouſly reſolved to addreſs the queen. "To return her "thanks for her communicating to them her intentions of "declaring war, in conjunction with her allies, againſt the "French king and his grandſon; and to aſſure her, that "they would, to the utmoſt, aſſiſt and ſupport her in carrying it on." Debate in council about declaring war.

Upon this occaſion a motion was made for any addreſs, "That no perſon be an officer in England or Ireland, in her "majeſty's new raiſed forces, but ſuch as were born in England, Scotland, or Ireland, or the dominions thereto belonging, or of Engliſh parents, unleſs they were before in Debate about foreigners.

Anne. 1702.

" half pay." This motion tending to exclude the French Proteſtant officers (though naturalized) who had ſerved in the late war, colonel Mordaunt ſtrenuouſly oppoſed it, arguing, " That he had ſome French officers in his regiment, " upon whoſe fidelity and courage he entirely depended, and " who kept their companies in as good order, and as com- " pleat as any native." The marquis of Huntingdon ſpoke likewiſe in behalf of the French refugees, urging, " What a reflection it would be on the Engliſh nation, to a- " bandon people, who, upon ſo many occaſions, had ventured " their lives for its ſafety and defence." Another member deſired thoſe, who had made the motion, to explain themſelves; ' for (ſaid he) if thereby we mean to exclude all ſo- ' reigners, what will become, not only of duke Schomberg, ' on whoſe father this houſe has thought fit to beſtow a gra- ' tuity of one hundred thouſand pounds, for his eminent ſer- ' vices in the revolution, but alſo of his royal highneſs prince ' George of Denmark, whom the queen hath lately declared ' generaliſſimo?' So that, the queſtion being put, upon the motion, it was carried in the negative.

War proclaimed againſt France and Spain. Broderick. Burnet.

Two days after, May the 4th, the declaration of war againſt France and Spain was ſolemnly proclaimed (d) before the

(d) The declaration was in theſe terms:

Anne R.

' Whereas it hath pleaſed ' Almighty God to call us to ' the government of theſe ' realms, at a time, when our ' late dear brother William III. ' of glorious memory, had, in ' purſuance of the repeated ad- ' vices of the parliament of this ' kingdom, entered into ſolemn ' treaties of alliance with the ' emperor of Germany, the ' States-general of the United ' Provinces, and other princes ' and potentates, for preſerving ' the liberty and balance of Eu- ' rope, and for reducing the ' exorbitant power of France; ' which treaties are grounded ' upon the unjuſt uſurpations and ' incroachments of the French ' king, who had taken, and ' ſtill keeps poſſeſſion of a great ' part of the Spaniſh dominions, ' exerciſing an abſolute autho- ' rity over all that monarchy, ' having ſeized Milan and the ' Spaniſh Low-Countries by his ' armies, and made himſelf ma- ' ſter of Cadiz, of the entrance ' into the Mediterranean, and ' of the ports in the Spaniſh ' Weſt Indies by his fleets; ' every where deſigning to in- ' vade the liberties of Europe, ' and obſtruct the freedom of ' navigation and commerce. ' And it being provided by the ' third and fourth articles of the ' forementioned alliance, that ' if, in the ſpace of two months ' (which are ſome time ſince ' expired) the injuries com- ' plained

the gate of St. James's palace, and other uſual places, as it was the ſame day by the Emperor and the States-general (e). Anne. 1702.

The

'plained of were not remedied, 'the parties concerned ſhould 'mutually aſſiſt each other with 'their whole ſtrength: And 'whereas, inſtead of giving 'the ſatisfaction that ought 'juſtly to be expected, the 'French king has not only pro-'ceeded to farther violence, but 'has added thereunto a great 'affront and indignity to Us 'and our kingdoms, in taking 'upon him to declare the pre-'tended prince of Wales king 'of England, Scotland, and 'Ireland, and has alſo influ-'enced Spain to concur in the 'ſame affront and indignity, as 'well as in his other oppreſ-'ſions: We find ourſelves obli-'ged, for maintaining the pub-'lic faith, for vindicating the 'honour of our crown, and for 'preventing the miſchiefs which 'all Europe is threatened with, 'to declare, and we do hereby 'accordingly declare war againſt 'France and Spain; and pla-'cing our intire confidence in 'the help of Almighty God, 'and ſo juſt and neceſſary an 'undertaking, we will (in 'conjunction with our allies) 'vigorouſly proſecute the ſame 'by ſea and land, being aſſured 'of the ready concurrence and 'aſſiſtance of our ſubjects, in a 'cauſe they have ſo openly and 'heartily eſpouſed. And we 'do hereby will and require 'our lord high-admiral of Eng-'land, our general of our for-'ces, our lieutenants of our ſe-'veral counties, governors of 'our forts and garriſons, and 'all other officers and ſol-'diers under them by ſea and 'land, to do and execute all 'acts of hoſtility in the proſecu-'tion of this war, againſt France 'and Spain, their vaſſals and 'ſubjects, and to oppoſe their 'attempts; willing and requi-'ring all our ſubjects to take 'notice of the ſame, whom we 'henceforth ſtrictly forbid to 'hold any correſpondence or 'communication with France 'or Spain, or their ſubjects. 'But, becauſe there are remain-'ing in our kingdoms many of 'the ſubjects of France and 'Spain, we do declare our royal 'intention to be, that all the ſub-'jects of France and Spain, who 'ſhall demean themſelves duti-'fully towards us, ſhall be ſafe 'in their perſons and eſtates.'

Given at our court at St. 'James's, the 4th day of May, 1702, in the firſt year of our reign.

(e) The emperor's declaration was as follows:

'We Leopold, by the grace 'of God, elected emperor of 'the Romans in Germany, ever 'auguſt king of Hungary, Bo-'hemia, Dalmatia, Croatia, 'Sclavonia, archduke of Au-'ſtria, duke of Burgundy, Sty-'ria, Carinthia, Carniola, and 'Wirtemberg, earl of Tyrol, '&c. do make known, that al-'though, ſince the concluſion 'of a general peace, not many 'years ago at Ryſwick in Hol-'land, the crown of France 'hath, as well by refuſing for a 'long time to reſtore the fortreſs 'of Briſac, as by the injuries 'and damages done to the houſe

'of

Anne. 1702. The French court was not a little ſurprized at theſe three declarations of war; and, immediately upon the receiving of them,

' of Monbeliard, together with
' other violations, made it abun-
' dantly evident, that they did
' not intend to obſerve this ſo-
' lemn treaty better than any of
' the former: However, being
' in hopes, that we might paſs
' the remainder of our trouble-
' ſome reign in peace, and af-
' ter having ſuffered ſo many
' vexations to maintain the holy
' Roman empire, and our king-
' doms, and hereditary domi-
' nions, in the enjoyment of the
' preſent peace, and for the fu-
' ture prevent the effuſion of ſo
' much innocent Chriſtian
' blood; we have choſen rather
' patiently to endure their in-
' ſults, and to endeavour to find
' out means of amicably com-
' poſing the differences, than
' to enter into a freſh quarrel
' upon that account, and there-
' upon begin a deſtructive war.
' But whereas, immediately af-
' ter the death of Charles the
' Second, king of Spain, and
' duke of Auſtria, under the
' colour of a will, ſuppoſed to
' have been made by that prince
' (which however is really null
' and of no validity) and not-
' withſtanding all the marriage-
' contracts, renunciations, ceſ-
' ſions, treaties of peace, and
' former oaths, the king of
' France has made himſelf maſ-
' ter of all the kingdoms and
' countries of his ſaid majeſty,
' among which there are ſome,
' that did belong to our archducal
' houſe, before they came un-
' der the power of the crown of
' Spain, beſides thoſe, that are
' feudatory and dependent on
' the empire, and has by intru-
' ſion put his grandſon, the
' duke of Anjou, into the ſame;
' and moreover taken by force
' the dukedom of Mantua, and
' other fiefs of the empire, al-
' though they never belonged
' to the monarchy of Spain,
' and has alſo cauſed a great
' number of troops to enter into
' the dioceſe of Cologne and
' Liege, hath ſeized and put
' garriſons into all their towns
' and ſtrong places, hath added
' new fortifications to them, and
' every where erected maga-
' zines, and, contrary to our
' lawful ordinances, and the
' execution thereof, according
' to the laws of the empire,
' committed to the princes of
' the circles, hath ſupported by
' force of arms, and ſtrengthen-
' ed the elector of Cologne in
' his diſobedience; and, on the
' other ſide, hath cauſed the
' faithful ſubjects of the empire
' to be impriſoned, and parti-
' cularly the baron de Mean,
' deputy of Liege, and hath ſeized
' and carried away ſeveral
' others from off the lands of
' the empire, and hath attacked,
' in a hoſtile manner, and ill-
' treated the princes of the cir-
' cles, who, according to their
' duty, endeavoured to put in
' execution our lawful imperial
' mandates. And furthermore,
' his grandſon, the duke of An-
' jou, hath taken to himſelf the
' titles, that belong to none but
' our archducal houſe, and hath
' cauſed himſelf to be called the
' duke

them, the marquis de Torcy went into a great hall, where the king was walking, and read them over to him. He did not

Anne. 1701-2.

' duke of Auſtria, count of ' Habſbourg, and of Tyrol. ' We look upon it as a thing ' inexcuſable any longer to paſs ' by in ſilence ſuch hoſtilities, ' infractions, and violences, ' committed both againſt our ' archducal houſe and our high ' Imperial dignity: On the con- ' trary, we find ourſelves obli- ' ged, in conſequence and by ' virtue of the laws of nature ' and of nations, and of the ' holy Roman empire, and par- ' ticularly in conſequence of the ' capitulation we ſwore to at the ' time we were elected emperor, ' and of our imperial, archdu- ' cal, and patrimonial dignity, ' to hinder them with all our ' force and power (ſince the ' endeavours of other potentates ' have had as little ſucceſs with ' the ſaid crown of France, as ' the offers we have made of ' coming to an amicable agree- ' ment) and that ſo much the ' more, inaſmuch as it is a mat- ' ter unqueſtionable, that the ' ſaid will, which at preſent ' ſerves for a colour of the ' ſaid hoſtilities of France, was ' contrived by ſome bribed Spa- ' niſh counſellors, according to ' the directions of the French ' king; and that it was offered ' to his late Catholic majeſty, ' when he was ſunk to ſuch a ' weakneſs of body and mind, ' not to be able to read or ' underſtand, much leſs to ' weigh and examine, as was ' neceſſary, the large contents ' of the ſaid will. And more- ' over, as it is altogether con- ' trary to the intention of the ' ſaid late king, which he had ' ſo often ſignified to us; and ' as the ſaid will is full of falſi- ' ties, and of incomprehenſible ' and contradictory matters; ' and laſtly, as it gives as little ' ſatisfaction to our juſt demand, ' as the king of France could ' receive from it, not to men- ' tion, that as yet it hath not ' been duly executed by them, ' but hath already been broken ' in many points, and more ' particularly, foraſmuch as it ' is evident, that the ſaid arbi- ' trary enterprizes, as well by ' himſelf, as in the name of his ' grandſon, as the pretended ' lord of the circle of Burgundy, ' and conſequently a declared ' enemy to us, and the empire, ' do tend to the overthrow and ' deſtruction of the imperial ' dignity, the authority, and ' rights, which were intruſted ' to us by a lawful election.

' Supported therefore by the ' juſtice of our cauſe, and truſt- ' ing in the aſſiſtance of Al- ' mighty God, we declare and ' publiſh by theſe preſents, that ' we hold for our enemies the ' French king and the duke of ' Anjou, with their ſubjects and ' adherents; and that, to pre- ' vent the public violence and ' injury, which are done by ' them unto us, the empire, ' and the loyal ſtates of the em- ' pire, and to defend our im- ' perial and other rights, we ' are obliged to take up arms, ' and to cauſe our troops to ' march againſt our ſaid ene- ' mies,

Anne. 1702. not expreſs ſo much uneaſineſs at the complaint of the Emperor, but made a great many reflections upon that of the queen,

'mies. We command by theſe 'preſents the faithful ſubjects 'of us and the empire, by the 'duty wherein they ſtand engaged to us and the empire, and 'under pain of deprivation of 'life and goods, and we ſeriouſly injoin them by theſe 'preſents, that none of them 'do engage in the ſervice of 'the ſaid crown of France, of 'the duke of Anjou, or of his 'adherents; and that none of 'them do undertake in the 'leaſt to do any ſervice, or 'give them any aſſiſtance, or 'to maintain with them, di'rectly or indirectly, any com'merce, partnerſhip, or cor'reſpondence, but that from 'this moment they do wholly 'break off and abſtain from the 'ſame, and do aſſiſt us with all 'their power, to purſue and attack our ſaid enemies, and 'thoſe which belong to them. 'We have alſo this intire confi'dence in the electors, princes, 'and ſtates of the empire, that 'they will all in general, and 'every one in his own particu'lar, from this time forward, 'at ſuch time as we ſhall con'ſult with them, according to 'the exigence of affairs, con'cerning what may be fit to be 'done in a matter that does not 'reſpect us alone, but likewiſe 'relates to the welfare and ſe'curity of the other principal 'members of the empire in par'ticular, and conſequently that 'of the whole Roman empire, 'will aid and aſſiſt us in our 'lawful and juſt undertaking, 'with their faithful and wiſe 'advice, and with the ſincere, 'and unanimous, and firm 'conjunction of all the force, 'which God and the empire 'has given them, to free them'ſelves and other injured ſtates 'from oppreſſion: That they 'will contribute towards remo'ving all thoſe calamities, and 'and that they will not ſuffer 'themſelves to be drawn away 'in any wiſe; let every one 'therefore regulate himſelf, and 'take care accordingly."

In witneſs whereof we have cauſed theſe preſents to be ſealed with our Imperial ſeal. Lamberti, Vol. II.

The Manifeſto of the States-general, containing the reaſons of their proclaiming war againſt France and Spain, was in theſe terms:

'The States general of the 'United Netherlands, to all, 'to whom theſe preſents ſhall 'come, greeting. Know ye, 'that the king of France ha'ving, for a long time ſince, 'caſt his eyes upon theſe pro'vinces, to ſeize upon the ſame, 'if poſſible, or intirely to de'ſtroy or ruin them, has, in or'der to compaſs his deſign, 'twice attacked this republic; 'viz. in the years 167[illegible] and '1688, by a moſt unjuſt and 'violent war, though we had 'done our utmoſt to avoid the 'ſame, and preſerve the conti'nuation of peace and tranqui'lity. That nothing is more

'evi-

queen, which ſo particularly reſpected the indignity done to the Engliſh nation, by acknowledging the pretended prince of

Anne. 1701-2.

'evidently known, than that, 'if that king had ſucceeded in 'his deſign, and poſſeſſed him-'ſelf of theſe provinces, he 'would have thereby made his 'way to the univerſal monarchy. 'And, if he had but only weak-'ened them, and forced them 'to ſit ſtill, and ſeparate them-'ſelves from their allies. It is no 'leſs notorious, that he might 'have attained his aim, by ſub-'duing other princes and pow-'ers; whereby this republic had 'been in a manifeſt danger of 'being reduced, as well as other 'ſtates, and loſing her liberty 'and religion, which are the 'two precious advantages, for 'which the ſubjects of this ſtate 'have formerly ſuffered ſo many 'cruel perſecutions, and which 'they could never fully and en-'tirely enjoy, till they had 'frankly and heartily ſacrificed 'their fortunes and blood, with 'every thing elſe that was dear 'to them, and maintained a 'war of eighty years ſtanding 'againſt the then powerful kings 'of Spain.

'That, notwithſtanding, it 'hath pleaſed God to puniſh 'theſe provinces by the two laſt 'wars, becauſe of their ſins, yet 'he has not permitted, that the 'French king ſhould put in ex-'ecution his ambitious deſigns; 'but on the contrary, has ſo 'favoured the arms of the re-'public and their allies, that they 'obtained in the years 1678 'and 1697, a general peace; 'whereby France was obliged 'to reſtore large provinces, lord-'ſhips, and important places, 'to the emperor, the empire, 'and the king of Spain, which 'ſhe had poſſeſſed, partly by a 'violent force, and partly by 'craft and artifice, under the 'ſpecious name of re-union, 'and other pretences, againſt 'the treaty of Nimeguen.

'That, the treaty of peace of 'Ryſwick, and that of com-'merce, being ſo ſolemnly con-'cluded in the year 1697, we 'had all the reaſon in the world 'to flatter ourſelves, that the 'ſame would be bonâ fide exe-'cuted in all its points. But 'we have found, on the con-'trary, by experience, that they 'did not deſign, on the part of 'France, to obſerve them, but 'only to induce us and our al-'lies to lay down our arms, diſ-'band our forces, and ſeparate 'us one from another, in order 'to weaken us; and, in parti-'cular, to enervate and ruin our 'ſubjects in ruining their com-'merce, that they might the 'more eaſily obtain the aim 'here abovementioned. This 'is ſo notorious, that the trea-'ties aforeſaid of peace and 'commerce were hardly ratified, 'but they began manifeſtly to 'incroach upon the trade of 'theſe provinces (which is the 'ſinew of this ſtate) by their 'openly refuſing to grant us the 'tariff promiſed unto us by the 'treaty aforeſaid, putting there-'by the ſubjects and merchants 'of this republic to innumera-'ble troubles upon that account: 'Which obliges us, after a long,

'tedious,

Anne. 1702. of Wales king of Great-Britain. But what moſt exaſperated him, was the declaration of the States-general. For, as ſoon

'tedious, and expenſive nego-
'tiation, to accept a tariff
'(though diſadvantageous to us)
'contrary to the tenor of the
'ſaid treaty, in order to prevent
'a greater miſchief.

'That, notwithſtanding it
'was ſtipulated by the fifth ar-
'ticle of the ſaid treaty of com-
'merce, that ſuch of our ſub-
'jects, who ſhall ſettle in France
'for carrying on their trades,
'ſhall be free and exempted
'from the duties and tax laid
'upon foreigners; yet exceſſive
'duties have been laid upon
'them, and we have been for-
'ced to ſee and bear the ſame.

'That, in the mean while,
'the king of France omitted
'nothing to perſuade us, by all
'imaginable proteſtations, that
'he had no other deſign than
'the preſervation of the peace,
'and the removing of all obſta-
'cles, that might interrupt the
'ſame. And, whereas the weak
'conſtitution of the king of
'Spain could not promiſe a long
'life, and that his death was
'like to cauſe great wars and
'differences, this occaſioned a
'treaty, whereby on one ſide,
'it was provided, that the
'French king ſhould not have
'that exorbitant power, which
'otherwiſe he would have had
'by the acceſſion or union of
'the Spaniſh monarchy to his
'crown, and by theſe means
'prevented the ill conſequences
'all Europe was afraid of; and,
'on the other hand, ſatisfac-
'tion was given to others, who
'claimed the ſaid ſucceſſion, in
'order to preſerve the general
'peace.

'That, upon this foundation,
'the king of France having con-
'cluded, on the third and
'twenty-fifth day of March,
'1700, a ſolemn treaty with
'the king of England and this
'ſtate, we were in hopes to pre-
'ſerve the general peace. But
'that treaty was no ſooner con-
'cluded and ratified, but it moſt
'evidently appeared, that it was
'not the intention of the French
'king to ſtand by it and obſerve
'it, but on the contrary, that
'they uſed all manner of arti-
'fices in the court of Spain, not
'only to render the emperor
'odious to the Spaniards, but
'alſo to oblige the king to diſ-
'poſe of his ſucceſſion by a teſ-
'tament in favour of France.

'That, the king of Spain
'having ſome time after de-
'parted this life, they produced
'a teſtament, whereby the duke
'of Anjou, grandſon to the
'king of France, was declared
'heir of all the kingdoms and
'dominions of the deceaſed
'king.

'That, the ſaid will being
'made public, the French king
'did immediately give proofs of
'his ſecret intentions of making
'uſe of all imaginable means to
'gratify his vaſt ambitions. And
'in order thereunto, (without
'any reſpect or regard to a
'treaty ſo ſolemnly and newly
'concluded, and the repeated
'proteſtations he had made ne-
'ver to depart from it) he ac-
'cepted the ſaid will, breaking

'and

ſoon as the marquis de Torcy had done reading it, the king took it, and in a tranſport of anger threw it upon the table, ſay- Anne. 1702.

and violating the treaty aforeſaid, without giving any previous communication of his intentions to thoſe, with whom he made it; notifying the ſame without any diſguiſe to the republic, and alledging for the principal motive thereof, that the ſpirit and ſenſe of the ſaid treaty, and not the letter, were only to be regarded; and explaining that ſpirit and ſenſe in his own way, as he thought fit, not omitting at the ſame time to threaten us, and repreſenting the dangers and misfortunes, which we might expect, if we did not conform ourſelves to that ſpirit. Which proceeding is a breach of faith as uncommon and unheard of, as ever was, and a dangerous inſtance, which tends for the future to undermine and ruin the faith of all public treaties.

'That, by virtue of the teſtament aforeſaid, that king did not content himſelf to cauſe the duke of Anjou to be proclaimed king of Spain, but he poſſeſſed himſelf in his name of all the kingdoms and dominions of the Spaniſh monarchy, without any regard to the pretenſions of the emperor, which were ſo fully owned in the treaty aforeſaid, that they were not only laid as the foundation of the ſaid treaty, but alſo ſo far acknowledged for juſt and lawful on all ſides, that the greateſt part of the Spaniſh monarchy was yielded to the archduke of Auſtria.

'That the ſaid king being unwilling to ſtop there, cauſed his own troops to take poſſeſſion of the Spaniſh Netherlands, notwithſtanding our own were in garriſon therein, by the permiſſion and conſent of the late king of Spain, for the defence and ſecurity of the ſaid country, and with a great deal of difficulty was at laſt perſuaded to let our ſaid troops return home, after they were very much weakened. That by theſe means the republic was at once deprived of her rampart and barrier, for which we had already maintained two bloody wars, and which the king of France himſelf had aſſigned in the conditions of the peace concluded in the year 1678, and contrary to what was particularly ſtipulated in the treaty of partition, and inſiſted upon on the part of the republic, viz. That the ſaid Spaniſh Netherlands ſhould belong to the archduke of Auſtria.

'That the ſaid king of France immediately began to govern arbitrarily the kingdoms and dominions of Spain, under the name of his grandſon, as well in civil as in military affairs, and has ſo united thoſe ſtates to his own, as if the ſame were but one and the ſame kingdom and government; which can never more evidently appear, than in the caſe of the Spaniſh Netherlands, the barrier of this ſtate, where it appears (as indeed they write it

'from

Anne. 1702. ſaying, " That meſſieurs the Dutch merchants (meaning " the States-general) ſhould one day repent of their boldneſs

' from Spain) that the ſaid provinces have been abſolutely yielded and made over to the king of France; and that he exerciſes an abſolute authority over them, both in civil and military affairs, as likewiſe in matters of finances.

' That the French king having carried his exorbitant power to the degree, which the Chriſtian world had ſo long apprehended, and laid ſuitable foundations for obtaining the univerſal monarchy, he did not delay it long to put theſe projects in execution, ſending a formidable army into Italy, to make himſelf intirely maſter thereof, having already ſent a great number of troops into the Spaniſh Netherlands to fright us, and oblige us, if poſſible, to a ſeparate treaty without our allies.

' That theſe artifices, (tho' never ſo well concerted) falling ſhort of the deſired effect, the French king made uſe of all other imaginable ways to compel us thereunto by force, and to that end ſeized the city and citadel of Liege, without the conſent and knowledge of the emperor and the empire, and cauſed the dean of the ſaid chapter to be by violence ſeized and carried away into the Spaniſh dominions, that he might not oppoſe his deſign, and in order to ſtrike a terror into the ſaid chapter.

' That, being not ſatisfied with having thus ſeized upon Liege, and in order to ſtreighten us more and more, he poſſeſſed himſelf, contrary to the will of the chapter of Cologne, of the moſt conſiderable places of that archbiſhopric, and particularly of the fortreſſes of Bonn, Keyſerſwaert, and Rhimberguen (his deſign upon the city of Cologne having happily miſcarried by their good conduct) to put himſelf in a condition to invade this republic, as he had done in the year 1672. And, that nothing might be wanting to make himſelf ſure of it, and in order to block us up on all ſides, he cauſed a conſiderable number of troops to be raiſed at his own charges in the country of Wolfembuttle, that they might invade on that ſide, ſending, at the ſame time, all ſorts of ammunition and artillery to the Rhine, through foreign countries, the better to invade theſe provinces.

' That the ſaid king, being not ſatisfied with having ſtreightened us in that manner by land, proceeded further; and by poſſeſſing himſelf (in the name of the king of Spain) of all the harbours in Spain, Naples, Sicily, and other iſlands in the Mediterranean, as alſo the Spaniſh Netherlands and the Indies, he made himſelf intire maſter of the commerce of Europe, and obtained the power to exclude us and all other nations from it. And laſtly, that we might have no room or place left to

' us

"neſs in declaring war againſt ſo great a monarch." But he Anne. 1702.

'us for trade, he endeavoured 'to perſuade the king of Portugal to forbid us his harbours, 'and ſent, at the ſame time, a 'ſquadron into the Weſt-Indies, 'on purpoſe to ſeize the ſilver 'fleet, in which our ſubjects, 'and thoſe of other princes and 'potentates, are ſo conſiderably 'concerned.

'That, affairs being in that 'intricate and dangerous con-'dition, we, as the neareſt and 'moſt expoſed to the fire, hav-'ing, in the firſt place, invoked 'God Almighty to our aſſiſtance, 'thought it neceſſary to put 'ourſelves in a poſture of de-'fence, and ſo arm ourſelves, 'as well as we could, by ſea and 'land, againſt that exorbitant 'power, and the dangers we 'were threatened with: And, 'at the ſame time, to deſire of 'our neighbours and allies the 'ſuccours they had promiſed us 'by treaties, in caſe we were 'moleſted and diſturbed; which 'they have granted us with the 'ſame readineſs as we deſired, 'we put ourſelves in that con-'dition, that, refuſing to hearkn 'to any private treaty with 'France, we had time to con-'federate ourſelves with his im-'perial majeſty, the king of 'England, the king of Pruſſia, 'and other princes and poten-'tates, for the common defence 'of our and their reſpective do-'minions, the preſervation of 'the liberty of Europe, and for 'recovering the general peace 'and tranquility.

'That, every one beginning 'to open their eyes, and to 'think of their natural defence, 'the emperor ſent a conſidera-'ble army into Italy, to oppoſe 'the French king.

'That his imperial majeſty, 'having thought fit to diſlodge 'the French out of the electo-'rate of Cologne, and uſed all 'imaginable ways for it, did, 'together with the directors of 'the circles concerned therein, 'deſire our aſſiſtance, which we '(conformable to our engage-'ments, our own defence, and 'the ſtrict alliance we were en-'tered into) could not refuſe; 'but, on the contrary, thought 'it neceſſary, that our forces 'there and elſewhere ſhould act 'as auxilliaries by way of diver-'ſion.

'That theſe proceedings of 'the French have, to our great 'ſorrow, kindled a new war in 'ſeveral parts of the world, 'which is actually begun, and 'carried on with a great deal of 'violence.

'That, as we had not given the 'leaſt pretence thereunto, but 'on the contrary, made our ut-'moſt efforts for the preſerva-'tion of the general peace, we 'were very glad to ſee a mini-'ſter, that the French king had 'ſent into theſe parts, and neg-'lected nothing to engage him 'to make ſome propoſals for 'maintaining the peace. But, 'ſeeing we could not ſucceed 'therein, we made ourſelves 'ſome demands, which we 'thought neceſſary for reco-'vering a general tranquility 'and our own private ſecurity; 'but there has been no manner

Anne. 1702.

of anſwer, nor the leaſt offer made thereupon.

'That indeed ſome outward proteſtations of peace have been made on that ſide, but as, at the ſame time, they continued their warlike preparations, to ſeize the lands of their neighbours, and to confederate themſelves with ſeveral princes and potentates; they have clearly manifeſted, that their proteſtations would come to nothing, unleſs we were reſolved to treat ſeparately from our allies; and this they have ſtill more evidently diſcovered, by recalling ſucceſſively two miniſters.

'Finally, the king has upon that foot cauſed his reſident to declare unto us in a memorial, that his armies were in a condition to act againſt us, if we came to no reſolution about the things contained therein.

'And, as there is nothing more evidently known, than that the deſigns of the preſent king of Spain againſt the liberty of our ſtate and commerce are the ſame as thoſe of the king of France; nay, as all the world muſt be convinced by the whole directions and management of affairs, that the king of France and the preſent king of Spain are one and the ſame in effect; and that the king of Spain can do, nor will do nothing, but what the king of France pleaſes, and will have him do; even that the kingdoms of France and Spain are united into one: It follows from thence that whatever the king of France has done againſt us and our allies, in the name of the king of Spain muſt be taken and underſtood to be made by the king of Spain himſelf, or at leaſt by both of them. That by theſe means the king of France (above what has been already ſaid) has made uſe of the Spaniſh troops in the name of the king of Spain to carry on his deſign againſt us. That in that name he has erected a fort within the reach of the cannon of a fortreſs belonging to the States, contrary to the treaty concluded with the king of Spain in the year 1648, and contrary to the laws of nations and thoſe of war.

'That the king of Spain has not only ſuffered thoſe proceedings of the king his grandfather, but abſolutely approved the ſame, and the actual ſeizing the whole monarchy of Spain, and in particular of the Spaniſh Netherlands, that neceſſary barrier for our ſtate.

'That all divine and human laws dictating to us, that, being thus ſtraitened, blocked up on all ſides, and actually attacked by the kings of France and Spain, and threatened by them with ſo many dangers, we may, and are bound to make uſe againſt them of all the means God and nature have put into our hands for our defence, protecting our ſubjects, and for preſerving their religion and liberty; and to that end to take up arms againſt the ſaid kings of France and Spain, who have together conſpired our ruin and deſtruction, and declare war againſt them, as we do by theſe preſents, truſting, that God Almighty will bleſs the juſtice of our cauſe,

and

he did not publiſh his declaration of war till the 3d of July (a). Anne. 1702.

On

'and the means we ſhall make 'uſe of; deſiring, that all kings, 'princes, and republics, and 'ſtates, who love their own pre'ſervation and liberty, together 'with that of Europe, that they 'will regard this our declara'tion, as an effect of an urgent 'and preſſing neceſſity for de'fending ourſelves, and pro'tecting our ſubjects, and con'ſequently all Europe: And 'that they will (in conjunction 'with us) oppoſe the ill deſigns 'of the kings of France and 'Spain, and their exorbitant 'power, whereby they intend 'to make themſelves maſters of 'all Chriſtendom, and to that 'end to give us aid and aſſiſ'tance.

'Laſtly, we command and 'require all our ſubjects and in'habitants of theſe provinces, 'commanders, officers, ſoldiers, 'and others, of what quality 'ſoever they be, to own and 'regard the ſaid kings of France 'and Spain as enemies of this 'ſtate; to invade their country, 'and fall upon their ſubjects and 'vaſſals both by ſea and land; 'to repel their violence, and do 'every thing elſe they are obli'ged to do for the defence of 'our country, and the damage 'of our enemies.

'And, that no body may 'pretend to be ignorant thereof, 'we require and command the 'lords ſtates, counſellors, de'puty-ſtates of theſe reſpective 'provinces, and all other offi'cers and magiſtrates of this 'country, to cauſe theſe pre'ſents to be proclaimed, pub'liſhed, and poſted up, on the '15th day of this inſtant, in 'all the places, where publica'tions of this nature are uſually 'made; commanding likewiſe, 'that the ſame be publiſhed and 'affixed in the uſual places of 'the diſtrict of the generality.'

Done and concluded in the aſſembly of the lords States-general at the Hague, May the 8th, 1702. Signed W. de Naſſau, and underneath F. Fagel; and ſealed with the ſeal of the States-general in red wax. Lamberti, Vol. II.

(a) It was in the following terms:

'By the king,

'Although the treaty con'cluded at Ryſwick, at a time, 'when the king, by the ſupe'riority of his forces, was in a 'condition to have given laws 'to the neighbouring princes, 'that were jealous of his power, 'was a certain proof of the ſin'cere deſire, that his majeſty 'had always to give peace to 'his ſubjects, and to reſtore 'peace to Europe: His majeſty 'nevertheleſs finds, that the 'emperor, without any lawful 'right to the Spaniſh monarchy, 'hath put himſelf in a condi'tion, by the augmentation of 'his troops, by treaties and al'liances with ſeveral princes, 'and particularly with England 'and the States-general of the 'United-provinces, to trouble

Anne. 1702.

On the 5th of May, the commons reſolved to preſent an addreſs to her majeſty, " returning the thanks of their houſe

' the repoſe of Europe by a new ' war, as unjuſt as it is ill grounded. They have begun hoſtilities on all ſides, againſt ' and contrary to the treaties ſo ' ſolemnly ſworn to. All Europe is witneſs of his majeſty's moderation. He hath ' ſeen places attacked, advantageous poſts ſeized, convoys ' ſtopped, and priſoners taken, ' before any declaration of war, ' and at a time when his majeſty was endeavouring by his ' ambaſſadors and envoys to ' preſerve the peace. All theſe ' ſteps being ſo contrary to ſincere dealing and their own intereſts; and the manifeſtoes ' and declarations of war of the ' emperor, England, and the ' States-general having been ' publiſhed, his majeſty finds ' himſelf under an indiſpenſible ' neceſſity (in order to preſerve ' his own, and the king his ' grandſon's dominions) to arm ' on his ſide, and to make his ' levies ſufficient to oppoſe the ' undertakings of the common ' enemies. And, for that end, ' his majeſty is reſolved to employ all his forces by ſea and ' land, and (by the help of the ' divine protection, which he ' implores on the juſtice of his ' cauſe) to declare war againſt ' the emperor, England, the ' States-general of the United-' Provinces, and the princes ' their allies. His majeſty orders and commands all his ' ſubjects, vaſſals, and ſervants, ' to cruize upon the ſubjects of ' the emperor, England, and ' Holland, and on the ſubjects ' of their allies; and ſtrictly forbids his ſubjects to have henceforth any communication, ' commerce or intelligence with ' them on pain of death. And ' therefore his majeſty hath revoked, and by theſe preſents ' revokes all permiſſions, paſſports, ſafe guards, and ſafe-conducts, which may have ' been granted by him, his ' lieutenant-generals, and other ' his officers, contrary to theſe ' preſents; and hath declared, ' and does declare them to be ' void, and of none effect and ' force, forbidding all perſons ' whatſoever to have any regard ' unto them. His majeſty orders ' and commands the admirals, ' Marſhals of France, governors and lieutenant-generals ' for his majeſty in his provinces ' and armies, mareſchals de ' camp, colonels, camp-maſters, ' captains, chiefs and leaders of ' his majeſty's ſoldiers, both ' horſe and foot, French and ' ſtrangers, and all his other officers, to whom it may pertain, what is herein contained, ' to cauſe and execute, each in ' his office, within their towns ' and juriſdictions. For ſuch is ' his majeſty's will and pleaſure, ' that theſe preſents be publiſhed in all the maritime and ' other towns, and in all the ' ports, havens, and other places ' of the kingdom and lands under his obedience, where need ' ſhall be, to the end that none ' may pretend ignorance.'

Given at Marli, June 3, 1702.

Louis.

" for

" for her great zeal for the ſucceſſion of the crown in the " Proteſtant line, expreſſed in her late order in council, di- " recting the princeſs Sophia to be prayed for:" As the right that recommended that princeſs, was in her own blood, ſhe was deſigned by her Chriſtian name, and not by her title. It came to be known, that this had been oppoſed in council by the marquis of Normanby, but was promoted by the lord Godolphin. The lords returned their thanks to the queen upon the ſame account, as alſo " for laying before them the " convention made with the emperor and the States-general, " in order to a concurrent declaration of war." Anne. 1702.

A bill about the union of the two kingdoms. Burnet.

As the queen, in her firſt ſpeech to the parliament, had renewed the motion made by the late king, for the union of England and Scotland, a bill was brought in for that purpoſe. Many of thoſe, who ſeemed now to have the greateſt ſhare of her favour and confidence, oppoſed this bill with much heat, and not without indecent reflections on the Scotch nation; yet it was carried by a great majority, that the queen ſhould be impowered to name commiſſioners for treating of an union. It was ſo viſibly the intereſt of England, and of the preſent government, to ſhut that back-door againſt the practices of France, and the attempts of the pretended prince of Wales, that the oppoſition to this firſt ſtep towards an union, and the indecent ſcorn with which Seymour and others treated the Scots, were clear indications, that the poſts, they were brought into, had not changed their tempers: But that, inſtead of healing matters, they intended to irritate them farther by reproachful ſpeeches; the bill went through both houſes, notwithſtanding the rough treatment it met with at firſt; and, on the 6th of May, received the royal aſſent (b).

A falſe report of deſigns againſt the queen.

The intire harmony, between the queen and both houſes of parliament, greatly diſappointed the diſaffected, who expected nothing but confuſion upon the late king's death, and who, to ſhew their joy at an accident, that had cauſed a general concern in moſt parts of Europe, vilified the deceaſed king with libels, verſes, and healths, ſo very indecent and ſcandalous, that, inſtead of wit, they ſerved only to demon-

(b) At the ſame time the queen gave her aſſent to an act for laying a duty upon land. To another for encouragement of the Greenland trade; and to a third, for making good the deficiencies, and the public credit.

Anne. 1702.

ſtrate their implacable malice (c). Not content with theſe inſults, they endeavoured to blaſt the king's memory, and to render his friends obnoxious, by charging upon him a deſign of excluding the princeſs Anne from the ſucceſſion. For he had no ſooner expired, than a report was ſpread, That ſome papers were found in his ſtrong box, whereby it appeared, that he had laid a ſcheme to get the elector of Hanover declared his immediate ſucceſſor: That, in order to effect this, the troops of Hanover and Zell were to file off towards the ſea-coaſt of Holland: That, ſoon after the king's return from thence, a pretended inſurrection was to be raiſed either in Scotland or Ireland, to give the king a colourable pretence for inviting over the Hanoverians troops, with their prince to command them; and that ſeveral peers, privy to this deſign, were to be made lord-lieutenants of counties, in order to influence the elections for members of a new parliament. This, many of thoſe, who were now in poſts, had talked of in ſo public a manner, that it appeared they intended to poſſeſs the whole nation with a belief of it; hoping thereby, to alienate the people from thoſe who had been in the late king's confidence, and diſgrace all the Whigs, in order to the carrying all elections of parliament for men of their own party. And indeed, the report had gained ſo far upon the belief of ſome people, that the city of Norwich, in their addreſs to the queen, printed in the Gazette on the 30th of April, "congratulating her majeſty's moſt happy and "peaceable acceſſion to the throne, notwithſtanding all the

(c) They not only drank a health 'to Sorrel,' meaning the horſe that fell with the king, but alſo 'to the little gentleman in 'velvet,' meaning the mole which it ſeems had heaved up, where the horſe's foot ſlipped in, and occaſioned the fall. As the horſe had belonged to Sir John Fenwick, it was inſinuated as a judgment upon the king in the following epigram, which they made upon the occaſion:

Illuſtris Sonipes, certè digniſſime Cœlo,
Cui Leo, cui Taurus, cui daret Urſa Locum;
Quæ te fœlicem fœlicia Prata tulere?
Ubera quæ fœlix præbuit alma Parens?
Hibernis Patriam venifti ulturus ab oris;
Aut Glenco, aut Stirps te * Fœniciana dedit.
Sis fœlix quicumque precor, memorande, nec unquam
Jam fellis Dorſum, frœna nec ora premant.
Humani Generis Vindex, moriente Tyranno,
Hanc Libertatem, quam dabis, ipſe tene.

* Or Sir John Fenwick.

"ma-

" malicious Deſigns and Contrivances uſed to deſeat her " majeſty of her undoubted right." Anne. 1702.

The dukes of Somerſet and Devonſhire, and the earls of Marlborough, Jerſey, and Albemarle, had been ordered by the queen to viſit the late king's papers, and bring her ſuch of them as related to the alliances, or other affairs of the crown. Several peers, who retained a great veneration for the late king, perceiving the deſign which was driven at by thoſe falſe reports, made a motion in the houſe of lords (d), that an enquiry ſhould be made into the truth of that report, and of all other ſtories of that kind, that ſo, if there was any truth in them, ſuch, as had been concerned in thoſe wicked deſigns, might be puniſhed; and if they were found to be falſe, that thoſe who ſpread them about, might be chaſtiſed. Upon this, the houſe deſired that thoſe lords, who had viſited the late king's papers, would let them know, if they had met with any among them, relating to the queen's ſucceſſion, or to the ſucceſſion of the houſe of Hanover. Four of them were then in the houſe, only the earl of Marlborough was ill that day; ſo the four who were preſent ſaid, they had found nothing, that did in any ſort relate to that matter; and this was confirmed by the earl of Marlborough to ſome peers, who were ſent by the houſe to aſk him the ſame queſtion. Upon which the houſe came to a reſolution, " That the lords, who were appointed by her " majeſty to inſpect the late king's papers, having ſeverally " declared, that they did not ſee or find amongſt them any " paper, in the leaſt tending to the prejudice of her majeſty, " or her ſucceſſion to the crown, or which might give any " ground or colour for ſuch a report; the ſaid report was " groundleſs, falſe, villainous, and ſcandalous, to the diſ- " honour of the late king's memory, and highly tending to " the diſſervice of her preſent majeſty." And they ordered, " That the matter of fact aforeſaid, and the reſolution of the " houſe thereupon, be laid before her majeſty by the duke of " Bolton, the earl marſhal, the earls of Radnor, Stamford, " and Scarborough; and the lord Ferrers; and that they do " humbly deſire her majeſty to order Mr. attorney-general to " proſecute, with the utmoſt ſeverity of the law, the authors " or publiſhers of ſuch ſcandalous reports." The lords named in this order having waited on the queen on the 5th of May, her majeſty told them, " That ſhe was very ready to

(d) The motion was made by the earl of Carliſle, and ſeconded by the lords Wharton, Hallifax and others.

Anne. 1702. "do any thing of that kind, and would give directions to "Mr. attorney-general effectually to profecute the authors "and publiſhers of ſuch falſe reports."

Libellous pamphlets cenſured. Burnet.

Some books had been publiſhed, particularly by Dr. Drake and Dr. Davenant, charging the late miniſtry and the whole Whig party with the like deſigns of excluding the queen. Theſe books were cenſured, and the authors of them were ordered to be proſecuted; though both the marquiſs of Normanby, and the earl of Nottingham, did all they could to excuſe thoſe writers (e). When the falſhood of thoſe calumnies

(e) The particulars of this affair were as follow:

On the 4th of May, a complaint was made to the houſe of peers, of a paſſage in the preface to a book, intitled, 'The 'Hiſtory of the laſt Parliament 'begun at Weſtminſter, the 'tenth day of February, 1700;' which though it did not directly reflect on the late king's memory, yet manifeſtly tended to caſt an indelible odium upon his friends, being couched in theſe words: 'And perhaps there was a thing 'in proſpect of deeper reach 'than all theſe, which was, 'that, ſhould it have pleaſed 'God to have ſnatched from us 'the king on a ſudden, by 'chance of war, or other fatal 'accident, during the tumult of 'arms abroad, and the civil 'diſorders they had raiſed a'mong us at home, and a nu'merous, corrupt, licentious 'party throughout the nation, 'from which the houſe of com'mons was ſometimes not free, 'they might entertain hopes 'from the advantage of being 'at the helm, and the aſſiſtance 'of their rabble, to have put in 'practice their own ſchemes, 'and have given us a new mo'del of government of their own 'projection, and ſo to have pro'cured to themſelves a laſting 'impunity, and to have moun'ted their own beaſt, the rab'ble, and driven the ſober part 'of the nation, like cattle, be'fore them. That this is no 'groundleſs conjecture will rea'dily appear to any conſidering 'perſon, from the treatment her 'royal highneſs the princeſs of 'Denmark, the heir apparent 'to the crown, met all along 'from them and all their party. 'They were not contented to 'ſhew her a conſtant neglect 'and ſlight themſelves, but their 'whole party were inſtructed to 'treat her, not only with diſ'reſpect, but ſpight. They were 'buſy to traduce her with falſe 'and ſcandalous aſperſions; and 'ſo far they carried the affront, 'as to make her at one time al'moſt the common ſubject of 'tittle tattle of almoſt every 'coffee-houſe and drawing-'room, which they promoted 'with as much zeal, application 'and venom, as if "a Bill of "Excluſion" had then been on 'the anvil, and theſe were the 'introductory ceremonies.' After reading this paſſage, the lords ordered the bookſeller for whom the book was printed, to attend

the

lumnies was apparent, then it was given out, with an unuſual confidence, that no ſuch report had ever been ſpread; though the

the houſe on the next Saturday; but, before that day came, Dr. James Drake, the phyſician, having owned himſelf to be author of the book in queſtion, he was, on the 9th of May, examined by the lord-keeper, who aſked him what he had to ſay concerning the ſaid book? The Doctor anſwered, 'That 'he thought he had juſt reaſon 'to write what he had writ, he 'having heard her highneſs 'talked of diſreſpectfully in 'every coffee-houſe:' And then he withdrew. After ſome debate, he was called in again, and the lord-keeper told him, that the houſe was not ſatisfied with what he had ſaid, but thought he trifled, and required him to acquaint the houſe with the grounds of his writing the paragraph abovementioned. He anſwered, 'That he found it 'mentioned in divers anony-'mous pamphlets publiſhed at 'that time, and hoped it was 'no hurt to anſwer thoſe pam-'phlets; and deſired time to re-'collect what theſe pamphlets 'were;' and then withdrew. After ſome time he was called in again, and aſked whether he could charge any perſon in the kingdom with the matters aſſerted within in that paragraph? And whether he had heard any perſons ſay, that they could charge any perſons whatſoever with the matters contained in that paragraph? To theſe queſtions he anſwered; 'He did not 'know of any ſuch perſon;' and being further aſked, if he had any grounds beſides the pamphlets, and what the pamphlets were? He ſaid, 'He had no 'other grounds beſides the ſe-'veral pamphlets following, 'viz. "The two Legion Let-"ters, the black Liſt, Jura Po-"puli Anglicani, and Toland's "Reaſons for inviting over the "princeſs of Hanover." Laſtly, he was aſked, Whether in any one of theſe pamphlets there was any thing ſaid about ſetting aſide the preſent queen? To which the Doctor having anſwered, 'He did not remember 'there was;' and being withdrawn, the lords took the ſaid paragraph into conſideration, and reſolved, 'That there were in 'it ſeveral expreſſions, which 'were groundleſs, falſe, and 'ſcandalous, tending to create 'jealouſies in her majeſty of her 'people, and to cauſe great 'miſunderſtandings, fears, and 'diſputes among the queen's 'ſubjects, and to diſturb the 'peace and quiet of the king-'dom:' Ordering at the ſame time, 'That her majeſty's at-'torney-general ſhould forth-'with effectually proſecute Dr. 'Drake for having writ the ſaid 'paragraph.'

Three days after, May 12, the lords took into conſideration two paragraphs of a book, intitled, 'Tom Double returned 'out of the country; Or, the 'true picture of a modern Whig, 'ſet forth in a ſecond dialogue 'between Mr. Whiglove and 'Mr. Double,' ſuppoſed to be written by Dr. Davenant; which

in

Anne. 1702. the contrary was evident, and the thing was boldly aſſerted in thoſe books. And therefore a peculiar meaſure of aſſurance was neceſſary to face down a thing, which they had taken ſuch pains to infuſe into the minds of the credulous vulgar all England over.

The earl of Nottingham, to divert this enquiry, moved, that another might be made into thoſe books, in which the murder of king Charles the Firſt was juſtified; though the provocation given to ſome of theſe, was, by a ſermon preached by Dr. Binckes before the convocation, on the 30th of January, in which he drew a parallel between king Charles's ſufferings and thoſe of our Saviour: And, in ſome very indecent expreſſions, gave the preference to the former (*f*).

The

in the 89th and 90th pages contained the following expreſſions:

'Whiglove. I find we have 'miſcarried in one great deſign: 'The train would not take; we 'were very hot upon it juſt before the parliament met: All 'the Whig coffee-houſes rung, 'how neceſſary it was to break 'into the Acts of Settlement, 'and to exclude ——

'Double. Mum, Whiglove, 'talk no more upon that ſubject, 'I beſeech you. Freſh orders 'are iſſued out, and, ſince we 'are not ſtrong enough to make 'it go, and that, on the contrary, it has alarmed and provoked all ſorts of men, we are 'now directed to ſay, that never 'any ſuch thing was intended by 'our party, though, God knows, 'it was the diſcourſe of all our 'clubs. Under the roſe, this 'was one of thoſe embryos, 'that proved abortive upon the '30th of December laſt; but, 'though it be not ſeaſonable to 'ſtir in it now, never fear our 'abandoning a wicked deſign: 'We never quite lay aſide any 'miſchief. However, ſince it 'has really opened the eyes of a 'great many, and weakened 'our intereſt among ſeveral of 'our own ſide, whom we cannot work up to be guilty of ſo 'much injuſtice, let us take all 'occaſions of declaring, that 'we will not violate any of the 'acts upon any account whatſoever; which we may the more 'ſafely do, becauſe you know 'it is our principle, not to think 'that we are bound by any proteſtations we make, either in 'private or in public: and it is 'one of the great advantages 'we have over the reſt of our 'fellow-ſubjects, that we can 'fetter the conſciences of others, 'while our own are at perfect 'liberty.' The lords, after ſome debate, paſſed the ſame cenſure upon this book, as they had upon part of the preface of Dr. Drake's Hiſtory. L. H. L. II, 37, &c.

(*f*) On the 16th of May, a pamphlet, intitled, 'Animadverſions upon the two laſt '30th of January ſermons; 'one preached to the honourable houſe of commons, the 'other to the houſe of convoca-

'tion

The war being now declared, both houſes joined in an addreſs to the queen, wherein they repreſented, "That nothing would

Anne. 1702.

Addreſs for a prohibition of correſpondence with France. May 21.

'tion: In a letter;' after reading and examining ſeveral paragraphs and paſſages of which, it was reſolved by their lordſhips, That the ſaid pamphlet was 'a malicious, villainous 'libel, containing very many 'reflections on king Charles I, 'of ever bleſſed memory, 'and tending to the ſubverſion 'of monarchy,' and thereupon ordered it to be burnt by the hands of the common hangman. Then their lordſhips took into conſideration a printed 'ſermon 'preached on the 30th of January, 1701, in king Henry 'VII's chapel, before the reverend clergy of the lower houſe 'of convocation, by William 'Binckes, D. D. proctor for 'the dioceſe of Litchfield and 'Coventry,' wherein the preacher ſeemed to make the ſin of the Jews, in crucifying our Saviour, much leſs than that of the Engliſh rebels, in putting to death king Charles I. 'As (ſays 'he) to the near reſemblance 'between the parties concerned, 'as well the actors as the ſuffe-'rers, comparing thoſe in the 'text with thoſe of the day. 'And here one would imagine, 'the latter were reſolved to take 'St. Paul's expreſſion in the moſt 'literal ſenſe the words will bear, "and crucify to themſelves the "lord afreſh," and in the neareſt 'likeneſs, that could be, "put "him to an open ſhame." If, 'with reſpect to the dignity of 'the perſon, to have been "king "of the Jews," was what ought 'to have ſecured our Saviour 'from violence; here is alſo 'one, not only born to a crown, 'but actually poſſeſſed of it. He 'was not only called king by 'ſome, and at the ſame time 'derided by others for being ſo 'called, but he was acknowledged by all to be a king: 'He was not juſt dreſſed up for 'an hour or two in "purple "robes," and ſaluted with a "hail king," but the uſual ornaments of majeſty were his 'cuſtomary apparel; his ſubjects owned him to be their 'king; and yet they brought 'him before a tribunal, they 'judged him, they condemned 'him; and, that they might 'not be wanting in any thing to 'ſet him at nought, they "ſpit "upon him," and treated him 'with the utmoſt contempt. 'Our Saviour's declaring, that "his kingdom was not of this "world," might look like a 'ſort of renunciation of his temporal ſovereignty, for the preſent deſiring only to reign in 'the hearts of men. But here 'was nothing in this caſe before 'us: Here was indiſputable 'right of ſovereignty, both by 'the laws of God and man: 'He was the reigning prince, 'and the Lord's anointed; and 'yet, in deſpite of all law, both 'human and divine, he was by 'direct force of arms, and the 'moſt daring methods of a flagrant rebellion and violence, 'deprived at once of his imperial crown and life.——The 'fact of this day was ſuch a vying with the firſt arch-rebel, the

Anne. 1702. " would more contribute to the effectual carrying it on, and " reducing her enemies to the greateſt ſtreights, than an in-

' the apoſtate angel Lucifer; ' it was ſuch a going beyond the ' old ſerpent in his own way of ' inſolence and pride, that it ' was no wonder, if he began ' to raiſe his head, and ſet up ' his dominion in this world, ' when, thus warmed and in-' livened by a fiery zeal in ſome ' and rage in others, to the de-' gree of drunkenneſs, thirſting ' after, and ſatiating themſelves ' in royal blood; and, in which ' reſpect only, heated to the ' degree of phrenzy and mad-' neſs, the plea in my text may ' ſeem to have ſome hold of ' them, " Father forgive them, " for they know not what they " do".

After ſome debate, the lords reſolved 'That in the ſaid ſer-' mon there are ſeveral expreſ-' ſions, that give juſt ſcandal ' and offence to all Chriſtian ' people.' Then, it being moved to order that ſermon to be burnt, it was carried in the negative, but at the ſame time it was ordered, that the above-mentioned reſolution ſhould be communicated to the biſhop of Lichfield and Coventry, Dr. Bincke's ordinary, whom they left to cenſure him, according to the rules of eccleſiaſtical courts.

Complaint was likewiſe made to the lords, of two paſſages in a pamphlet, intitled, 'Reaſons ' for addreſſing his majeſty to ' invite into England their high-' neſſes the electreſs dowager ' and the electoral prince of Ha-' nover; and for attainting and ' abjuring the pretended prince ' of Wales, and all others pre-' tending any claim, right, or ' title from the late king James ' and queen Mary,' wherein it was aſſerted, 'That it appears ' from hiſtory, that all free peo-' ple have ſet aſide the children ' of tyrants for reaſons of eternal ' and univerſal force, as inhe-' riting the principles and de-' ſigns of their parents, bearing ' an affection to their friends, ' and owing a revenge to their ' enemies; as more likely to ' graſp at a greater power than ' even their parents, the better ' to ſecure themſelves from their ' diſgrace, and being under ex-' traordinary obligations to theſe ' foreign potentates, who pro-' tected or reſtored them: And ' that, whether the Abjuration ' be penal or voluntary, it ſhould ' be tendered to all manner of ' perſons, not excepting the ' king's majeſty, or the prin-' ceſs of Denmark: For all the ' ſecurities we give to them (ſaid ' the author) they owe their ' ſecurity to us; not that I doubt ' either of them, but they both ' of them very well know, what ' ſtories and ſurmiſes our ene-' mies have been actually ſprea-' ding to amuſe and intimidate ' the people: They have whiſ-' pered horrible things of blind ' and clancular bargains. But ' Cæſar's wife ought to be un-' ſuſpected as well as innocent.' After examination of this pamphlet, the lords reſolved, 'That ' there were in it aſſertions and ' inſinuations ſcandalous and ' dangerous, tending to alienate

the

" intire prohibition of all correſpondence with France and Spain on the part of the allies; and therefore they humbly adviſed her majeſty to engage the emperor, the States-general, and her other allies, to join with her majeſty in prohibiting all intercourſe between the ſubjects of her majeſty and her allies, and the ſubjects of France and Spain; and alſo to concert ſuch methods with the States-general, as might moſt effectually ſecure the trade of her ſubjects and her allies." This addreſs her majeſty readily promiſed to comply with, adding, " That ſhe was too much concerned for the public welfare, to omit any neceſſary precautions for the protection of the trade." Anne. 1702.

On the other hand, the lords having made ſome amendments to a bill from the commons, 'for the encouragement of privateers,' to which the commons refuſed their concurrence; their lordſhips, in an addreſs, repreſented to the queen, " That the ſea preparations of her majeſty's enemies " being ſuch as ſeemed not to be intended for encountering " and fighting her royal navy, but rather for making a py- " ratical war, to the interruption of commerce, it was, in " their opinion, highly requiſite for the public ſervice, that " her majeſty would give all poſſible encouragement to her " ſubjects to arm and ſet out private men of war. And " whereas, by the ſixth article of the treaty concluded at " the Hague, between his late majeſty, the emperor, and " the States-general, her majeſty was at liberty to take and " ſeize lands and cities belonging to the Spaniſh dominions " in the Indies, and retain the ſame as her own; their lord- " ſhips adviſed her majeſty to grant commiſſions or charters " to all perſons, bodies politic or corporate, who ſhould make " ſuch acquiſitions in the Indies, ſubject to ſuch terms and " conditions, as her majeſty ſhould judge moſt expedient for " the good of her kingdoms." To which the queen anſwered, " That ſhe would take all the care in it ſhe could." But, in the courſe of the war, this advice was greatly neglected. The lords addreſs about privateers. May 23.

The buſineſs of the ſeſſion being all done, the queen went in ſtate to the houſe of peers, and, having given the royal aſſent to ſeveral public and private bills (g), diſmiſſed both houſes with the following ſpeech: The parliament is prorogued. May 4.

' the affections of the ſubjects of ' this kingdom from her majeſty, ' and to diſturb the peace and ' quiet of the kingdom.

" My

Anne.
1702.

" My lords and gentlemen,

" I Cannot conclude this ſeſſion, without repeating my " hearty thanks to you all, for your great care of the pub- " lic, and the many marks you have given of your duty and " affection to me.

(g) Among theſe bills were,

1. An act to oblige the Jews to maintain and provide for their Proteſtant children. By which, if any Jewiſh parent, in order to the compelling his Proteſtant child to change his religion, ſhall refuſe to allow ſuch a child a fitting maintenance ſuitable to the ability of the parent, and the age and education of the child, upon complaint, it ſhall be lawful for the lord chancellor to make ſuch order for the maintenance of ſuch Proteſtant child as he ſhall think fit.

2. An act for continuing the impriſonment of Counter, and other conſpirators againſt king William.

3. An act for the relief of Proteſtant purchaſers of the forfeited eſtates in Ireland.

4. An act for enlarging the time for taking the oath of abjuration, in which was this clauſe:

" That if any perſon or perſons, at any time after the firſt day of March, 1702, ſhall endeavour to deprive or hinder any perſon, who ſhall be the next in ſucceſſion to the crown for the time being, according to the limitation in the act, intitled, ' An act for declaring the rights ' and liberties of the ſubject, ' and ſettling the ſucceſſion of ' the crown;' and according to one other act, intitled, ' An act ' for the further limitation of ' the crown, and better ſecuring ' the rights and liberties of the ' ſubject,' from ſucceeding after the deceaſe of her majeſty to the imperial crown of this realm, and the dominions and territories thereunto belonging, according to the limitations in the beforementioned acts; that is to ſay, ſuch iſſue of her majeſty's body, as ſhall from time to time be next in ſucceſſion to the crown, if it ſhall pleaſe God Almighty to bleſs her majeſty with iſſue; and, during the time her majeſty ſhall have no iſſue, the princeſs Sophia, electreſs and ducheſs dowager of Honover, and, after the deceaſe of the ſaid princeſs Sophia, the next in ſucceſſion to the crown for the time being, according to the limitation of the ſaid acts; and the ſame, maliciouſly, adviſedly, and directly, ſhall attempt by any overt-act or deed; every ſuch offence ſhall be judged high-treaſon, and the offender or offenders therein, their aſſeſſors, procurers and comforters, knowing the ſaid offence to be done, being thereof convicted or attainted, according to the laws and ſtatutes of this realm, ſhall be deemed and adjudged traytors, and ſhall ſuffer pains of death, and all loſſes and forfeitures as in caſes of high-treaſon."

" And

" And I must thank you, gentlemen of the house of com- Anne.
" mons, in particular, both for the supplies you have given 1702.
" to support me in this necessary war, and the provisions you
" have made for the debts contracted in the former. Your
" great justice, in making good those deficiencies, will be a
" lasting honour and credit to the nation. I wish the diffi-
" culties they have brought upon us, may be a warning to
" prevent such inconveniencies for the future.

" I must recommend to you all, in your several counties,
" the preservation of the public peace, and a due execution
" of the laws. I shall always wish, that no differences of
" opinion among those, that are equally affected to my ser-
" vice, may be the occasion of heats and animosities among
" themselves. I shall be very careful to preserve and main-
" tain the act of toleration, and to set the minds of all my
" people at quiet. My own principles must always keep me
" intirely firm to the interest and religion of the Church of
" England, and will incline me to countenance those, who
" have the truest zeal to support it."

Then the lord-keeper, by her majesty's command, prorogued the parliament to the 7th of July following.

The naval preparations in England and Holland were now carried on with all possible speed; and, as they raised the spirits of the confederates, so they gave no small alarms to France, Spain, and even Portugal; the design of the expedition having been kept so secret, that it was uncertain which of those three kingdoms was most threatened. France, having sent a strong squadron of men of war into the West-Indies, both to attack the English plantations, and to bring home the Spanish galleons, had no sufficient number of ships left to defend her own coasts, much less to protect those of Spain, whose king, in the beginning of the spring, was gone into Italy, both to appease the tumults in the kingdom of Naples, and to share with the duke of Vendosme the expected honour of forcing prince Eugene to repass the mountains of Tirol. Naval preparations in England and Holland. Hist. of Europe, Vol. xiii.

Although the king of Portugal gave fair words to the imperial ministers, and to Mr. Methuen, the English envoy, yet he began to be apprehensive, that the allies, having a formidable power at sea, would use more prevailing means than a negociation to make him break his late engagements with France. On the 30th of May, Sir George Rooke, admiral of the English fleet, having hoisted the union flag on board the Royal Sovereign, came to Spithead, with Sir Cloudesly

Anne 1702. Cloudeſly Shovel, on board the Queen, and the great ſhips that lay at the Nore: And, at the ſame time, rear-admiral Fairborne arrived there from Ireland, with a ſquadron of men of war, having on board four regiments of foot, that were to be part of the land forces, to be commanded by the duke of Ormond, who, on the firſt of June, arrived at Portſmouth, accompanied by Sir Henry Bellaſis, who was to ſerve under him, and by admiral Churchill; and, the next day, prince George likewiſe ſet out for that ſea-port.

The queen goes to Windſor.

The ſame day, the queen went from St. James's to Windſor, having appointed Simon Harcourt, Eſq; to be her ſolicitor-general, and conferred the honour of knighthood both upon him and on Edward Northey, Eſq; the attorney-general. The day before, out of a juſt regard to the law of nations, the queen, by proclamation, ordered all ſhips, ſtopped before the declaration of war, to be diſcharged, and cauſed another proclamation to be publiſhed, 'for the encouragement of her ſhips of war and privateers.' And at the ſame time her majeſty renewed the commiſſion for the management of the cuſtoms; and upon her return from Windſor, appointed the lord-lieutenants, the commiſſioners of trade; for prizes, ſtamp, and ſalt-duties; and generals of her land-forces; gave audience to ſeveral foreign miniſters, and diſpoſed of many places and employments; and, among the reſt, the earl of Marlborough was made maſter of the ordnance, the honourable John Granville, lieutenant-general, William Bridges, maſter ſurveyor, Chriſtopher Muſgrave, clerk of the ſame; and Edward Southwell was appointed ſecretary of ſtate in Ireland, on the reſignation of his father Sir Robert Southwell.

June 5.

Affairs of Scotland. Burnet. Lockhart's Memoirs.

The affairs of Scotland began now to be a little embroiled. By an act made ſoon after the revolution, it was provided, that all princes, ſucceeding to the crown, ſhould take the coronation-oath before they entered upon their regal dignity; but no direction was given concerning thoſe who ſhould tender it, or the manner in which it ſhould be taken; ſo that, this being left undetermined, the queen had called together all the late king's miniſters for that kingdom, and, in the preſence of about twelve of them, ſhe took the coronation-oath (h). But thoſe who were diſpoſed to cenſure every thing,

(h) Of this the queen ſent an account in a letter to the privy-council of Scotland, as ſoon as ſhe was proclaimed, acquainting them, "That it having pleaſed 'Almighty God to call out of this

thing, ſaid, that this ought not to be done, except in the preſence of ſome deputed for that purpoſe, either by the parliament, or at leaſt by the privy-council of that kingdom. Anne. 1702.

At the time of king William's deceaſe, the government there was lodged in the hands of perſons intirely of Revolution principles; for the earl of Marchmont was lord-chancellor; the earl of Melvil lord preſident of the council; the duke of Queenſberry lord privy-ſeal; the earls of Seafield and Hyndford ſecretaries of ſtate; the earl of Selkirk lord regiſter; Adam Cockburn, of Ormiſton, treaſurer-depute; Sir John Maxwell, of Polock, juſtice-clerk; Sir James Stuart advocate; and all the lords of the treaſury, except the lord Montgomery, were of the ſame principles. But though the Anti-Revolutioners were, in effect, as much enemies to the queen's right to the crown, as that of king William; yet they were greatly elated at her acceſſion, and flattered themſelves with a better title to her favour, on account of their zeal for Epiſcopacy, than the Revolutioners could pretend to, becauſe moſt part of the latter were for Preſbytery, and the reſt ſo indifferent for Epiſcopacy, that they did not think it ought to come in competition with the peace of the nation. The firſt ſtruggle between theſe two parties was about the parliament, the ſitting of which, in the ſummer, was abſolutely neceſſary, by reaſon that the funds allotted to ſupport the army were near expired upon king William's demiſe. Upon

this life her royal and moſt dearly-beloved brother king William, whereby the undoubted right to the imperial crown of the kingdom of Scotland, conform to the act of ſettlement, was devolved upon her: And having (according to the petition of right and grievances) taken and ſigned the coronation-oath, in preſence of ſeveral of her privy-council; ſhe thought fit to authorize them to continue to meet, and act as her privy-council of that her ancient kingdom, until ſhe ſhould ſend them a new commiſſion for that effect. Moreover, her majeſty authorized and required them to publiſh an incloſed proclamation, ordaining all officers of ſtate, counſellors, magiſtrates, and all other officers, civil and military, to act in all things, conform to the commiſſions and inſtructions they had from his late majeſty, until new commiſſions could be prepared and ſent down. And her majeſty on this occaſion, at her firſt acceſſion to the crown, gave them, and all her good people, full aſſurance of her firm reſolution, during the whole courſe of her reign, to protect them in their religion, laws, and liberties, and in the eſtabliſhed government of the church."

Anne. 1702. the diſcovery of the aſſaſſination-plot, an act had paſſed in Scotland, for continuing the parliament that ſhould be then in being, ſix months after the death of the king, with two ſpecial clauſes in it. The firſt was, that it ſhould meet twenty days after the death of the king. But the queen did, by ſeveral adjournments, continue the parliament almoſt three months after the king's death, before it was opened. Some ſaid, that the parliament was by this diſſolved, ſince it did not meet upon the day limited by the act to continue it. But there was another proviſo in the act, that ſecured to the crown the full prerogative of adjourning or diſſolving it within that time. Yet, in oppoſition to this, it was acknowledged, that, as to all ſubſequent days of meeting, the prerogative was intire; but the day that was limited, that is, the twenty-firſt after the king's death, ſeemed to be fixed for the firſt opening of the ſeſſion. The ſecond clauſe was a limitation of the power of the parliament, during their ſitting, that it ſhould not extend to the repealing of laws: They were impowered only to maintain the Proteſtant religion, and the public peace of the country. It was therefore ſaid, that the queen was peaceably obeyed, and the country now in full quiet; ſo that there was no need of aſſembling the parliament. The end of the law being attained, it was ſaid, the law fell of itſelf, and therefore it was neceſſary to call a new parliament; for the old one, if aſſembled, could have no authority, but to ſee to the preſervation of religion, and the peace of the country; their power being limited to theſe two heads, by the act that authorized their ſitting. In oppoſition to this, it was urged, that the act, which gave them authority to ſit as a parliament for ſix months, gave them the full authority of a parliament: That the directing them, to take care of ſome more important matters, did not hinder their meddling with other matters, ſince no parliament can limit a ſubſequent one. It was likewiſe ſaid, that, ſince the queen was now engaged in a war, the public peace could not be ſecured without ſuch a force, and ſuch taxes to maintain it, as the preſent ſtate of affairs required. The duke of Queenſberry, and his party, were for continuing the parliament. But the duke of Hamilton, and the others who had oppoſed that duke in that laſt parliament, complained highly of this way of proceeding. They ſaid, that they could not acknowledge this to be a legal parliament, nor ſubmit to it, but muſt proteſt againſt it.

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This was ominous; a reign was to be begun with a parliament liable to a diſpute; and from ſuch a breach it was eaſy to foreſee a train of miſchief was likely to follow. The duke of Hamilton, the marquiſs of Twedale, the earl of Mareſchal, the earl of Rothes, and a great many of the nobility and gentry went up to London, and repreſented to the queen, and thoſe in favour with her, their exceptions to all that was intended to be done. Every thing, which they ſaid, was heard calmly; but the queen was a ſtranger to their laws, and could not take it upon her to judge of them; and therefore it was determined by the advice of the privy-council of that kingdom. The lords, who came up to oppoſe the duke of Queenſberry, continued to preſs for a new parliament, in which they promiſed to give the queen all that ſhe could aſk of them, and to conſent to an act of indemnity for all that was paſſed in the former reign. But it was thought, that the nation was in too great a ferment to venture upon that; and ſome more time was neceſſary to prepare matters, as well as men's minds, before a new parliament ſhould be ſummoned. Both parties returned to Scotland, and both being ſenſible, that the Preſbyterian intereſt would with its weight turn that ſcale, into which it ſhould fall, great pains were taken by both ſides to gain that party. On the one hand, they were made to apprehend what a madneſs it would be for them to provoke the queen in the beginning of her reign, who might be enough diſpoſed to entertain prejudices againſt them; which would be much heightened, if in a point, in which conſcience could not be pretended, they ſhould engage in a faction againſt her, eſpecially when they could not ſay, that any cauſe of jealouſy was given; but, on the contrary, the queen had, in all her public letters, promiſed to maintain Preſbytery; and, though that had given great offence in the late king's time, when thoſe public letters were printed, yet now this paſſed without cenſure. The other party was as buſy to inflame them. They told them the queen was certainly in her heart againſt them: All thoſe, who were now in her confidence, and particularly the earls of Rocheſter and Nottingham, were enemies to the Preſbyterian government. Good words were now given them, in order to ſeparate them from a national intereſt, knowing well, that, if they went off from that, and ſo from the hearts of the nation, they would loſe that in which their chief ſtrength lay: The party, that now governed, as ſoon as they ſhould have carried the preſent point by their help, and rendered them odious by their concurrence in it, would

Anne 1702.

Anne 1702. ſtrengthen themſelves at court by entering into the Epiſcopal intereſt, and trying to introduce Epiſcopacy into Scotland; which would ſoon be brought about, if the Preſbyterians ſhould once loſe their popularity. Thoſe were the methods and reaſonings that were uſed on both ſides.

A ſeſſion of parliament in Scotland. Lockhart's hiſt. of Europe. Vol. VII. Burnet.

The parliament met at Edinburgh, according to the queen's laſt adjournment, on the 9th of June, the duke of Queenſberry being appointed high-commiſſioner. At the opening of it, duke Hamilton demanded to be heard; and, though deſired by the lord chancellor to ſit ſtill, till the queen's commiſſion was read, and the houſe conſtituted, yet he perſiſted, and ſaid, both in his own name, and in behalf of the other members, who adhered to him, "That they "were all heartily glad at her majeſty's happy acceſſion to "the throne of that kingdom, not merely on the account "that it was her undoubted right by deſcent, but likewiſe "becauſe of the many perſonal virtues and royal qualities her "majeſty was endowed with, which gave them grounds to "hope, that they ſhould enjoy, under her auſpicious reign, "all the bleſſings that could attend a nation, which had a "gracious and loving ſovereign united with a dutiful and "obedient people. That they were reſolved to ſacrifice "their lives and fortunes in defence of her majeſty's right "againſt all her enemies whatever, and had all the deference "and reſpect for her majeſty's government and authority, "that was due from loyal ſubjects to their rightful and law-"ful ſovereigns. But, at the ſame time, that they acknow-"ledged their ſubmiſſion to her majeſty's authority, they "thought themſelves bound in duty, by virtue of the obe-"dience they owe to the ſtanding laws of the nation, and "becauſe of the regard they ought to have for the rights and "liberties of their fellow-ſubjects, to declare their opinion "as to the legality of this meeting, That they did not think "themſelves warranted by law to ſit and act any longer as a "parliament; and that, by ſo doing, they ſhould incur the "hazard of loſing their lives and fortunes, if their proceed-"ings ſhould come to be queſtioned by ſubſequent parlia-"ments." He then read a paper, which contained the rea-ſons of their diſſenting from the proceedings of the other members, who thought themſelves impowered to ſit and act as a parliament, and was as follows: "Foraſmuch as, by "the fundamental laws and conſtitution of this kingdom, all "parliaments do diſſolve by the death of the king or queen, "except in ſo far as innovated by the 17th act of the 6th "ſeſſion of King William's parliament laſt in being, at his

"deceaſe

" deceaſe to meet and act what ſhould be needful for the " defence of the true Proteſtant religion, as now by law " eſtabliſhed, and maintaining the ſucceſſion to the crown, " as ſettled by the claim of right, and for preſerving and ſe- " curing the peace and ſafety of the kingdom; and, ſeeing " that the ſaid ends are fully ſatisfied by her majeſty's ſuc- " ceſſion to the throne, whereby the religion and peace of " the kingdom are ſecured, we conceive ourſelves not now " warranted by the law to meet, ſit, or act, and therefore " do diſſent from any thing, that ſhall be done or acted." Then the duke and ſeventy-nine of the members, having taken inſtruments, withdrew out of the houſe, and left the others, who were an hundred and twelve, to ſit and act by themſelves; and, as they all paſſed from the parliament-houſe to the Croſs-Keys Tavern near the Croſs, they were applauded by the loud acclamations of an infinite number of people of all ranks and degrees. Anne 1702.

Notwithſtanding the ſeceſſion of ſo many members, the duke of Queenſberry's commiſſion to be high-commiſſioner was read, as was alſo the queen's letter to the parliament, dated May the 15th, declaring, in the firſt place, the reaſon of this meeting, and her majeſty's 'firm reſolution to main- 'tain and protect her ſubjects in the full poſſeſſion of their 'religion, laws, and liberties, and of the Preſbyterian go- 'vernment of the church.' Then acquainting them with " the juſt cauſes of declaring war againſt the French king, " and earneſtly recommending to them, both the providing " competent ſupplies for maintaining ſuch a number of " forces, as might be neceſſary for diſappointing the enemy's " deſigns, and preſerving the preſent happy ſettlement: And " the conſideration of an Union between the two kingdoms " of England and Scotland, which was recommended by " them to the late king." The ſeveral points of this letter were inforced by the ſpeeches of the duke of Queenſberry, and of the earl of Marchmont; and, the parliament being met again on the 11th of June, they proceeded to appoint committees for ſecurity of the kingdom, for controverted elections, for drawing up an anſwer to her majeſty's letter, and for reviſing the minutes. Then overtures were read for the following acts, viz. 'An act recognizing her majeſty's 'royal authority (a): An act for adjourning the court of 'Judi-

(a) In this act, beſides the oath of allegiance, was this aſſurance; 'I *A. B.* do, in the ſincerity 'of my heart, aſſert, acknowledge, and declare, that her 'majeſty

Anne 1702.

'Judicature, called the ſeſſion: An act, declaring this preſent meeting of parliament to be a lawful and free meeting of parliament, and diſcharging any perſon to diſown, quarrel, or impugn the dignity and authority thereof, under the penalty of high-treaſon: And an act for ſecuring the true Proteſtant religion and Preſbyterian church government.' Which were read the firſt time, and the next day paſſed, and touched with the ſceptre. Six days after the parliament's anſwer to the queen's letter was read and approved, being conformable to all her majeſty's deſires, and aſſuring her, 'that groundleſs ſeceſſion of ſome of their members ſhould increaſe and ſtrengthen their care and zeal for her majeſty's ſervice.'

On the other hand, the diſſenting members, of whom duke Hamilton was the chief, having prepared an addreſs to the queen, to juſtify their proceedings, and ſent up the ſame by the lord Blantire, the queen poſitively refuſed to receive it, though ſhe was pleaſed to allow his lordſhip's acceſs to her. Having well weighed this affair, ſhe reſolved to adhere to the parliament convened by her authority, and in a letter to them, dated at St. James's, June 17, and read to the houſe on the 23d, 'reſolved to own and maintain this preſent ſeſſion of parliament, and the dignity and authority of the ſame, and of her high-commiſſioner, againſt all oppoſers.' In the mean time, the parliament proceeded, and, on the 19th of June, 'an act for a ſupply of ten months ceſs upon all land-rents' received the royal aſſent; but, when this tax came afterwards to be levied, near one half of the Scots nation refuſed to pay the ſame; ſo that, in many places, the government was obliged to uſe forcible methods to raiſe it. It is alſo remarkable, that ſome days before Sir Alexander Bruce was expelled the houſe, on account of a ſpeech made on the 11th of June, wherein, among other things, he affirmed, that "Preſbytery was inconſiſtent with monarchy; that it "maintained a conſtant oppoſition to the rightful ſovereign;

'majeſty queen Anne is the only lawful, undoubted ſovereign of this realm, as well 'de jure,' that is, of right, as 'de facto,' that is, in the poſſeſſion and exerciſe of the government. And therefore I do ſincerely and faithfully promiſe and engage, that I will with heart and hand, maintain and defend her majeſty's title and government, againſt the pretended prince of Wales, and his adherents, and all other enemies, who, either by open or ſecret attempts, ſhall diſturb or diſquiet her majeſty in the poſſeſſion and exerciſe thereof.'

"and,

" and, like vice and hypocriſy, and the other peſts of man- Anne
" kind, it ſpread and flouriſhed moſt in turbulent times of 1702.
" anarchy and rebellion; and that he did not wonder, that
" their predeceſſors, in cold blood, and taught by woful ex-
" perience, preferred order and decency, in the houſe of
" God, to the pride and infallibility of a pope in every
" pariſh." And, the dean and faculty of advocates having paſſed a vote among themſelves in favour of the proteſtation and addreſs of the diſſenting members, declaring, that they 'were founded upon, and in the terms of the laws of this 'kingdom,' they were upon that account, charged and proſecuted by the lord advocate before the parliament, where, after long debates upon the matter, they were ſeverely reprimanded; but the nation was inraged to ſee that ſociety attacked, for declaring their opinion in a point of law, relating to the foundation and conſtitution of parliament, and conſequently the liberty and right of the ſubject.

On the 25th of June, the royal aſſent was given to 'an 'act for enabling her majeſty to appoint commiſſioners for an 'union between the two kingdoms;' though ſome members diſſented from it, becauſe they could not get a clauſe inſerted in it about the Preſbyterian church-government.

The ſucceſſion to the crown having been ſettled in England by two acts of parliament on the houſe of Hanover, after her majeſty and her iſſue, in the Proteſtant line, and nothing of this nature having been done in Scotland, the earl of Marchmont thought it proper to propoſe it at this time, and, contrary to the advice of his friends, and even the commands of the high-commiſſioner, preſented 'an act for abjuring the 'pretended prince of Wales.' But, though ſuch as continued in the houſe were unanimous enough in other points, yet they could not agree in this (b); and, the party, who oppoſed

(b) Mr. Lockhart, in his Memoirs, page 16, tells us, 'That 'it may be thought ſtrange, 'that this act did not paſs currently in ſuch a ſtrangely made 'up meeting, and when ſuch 'eminently famous and zealous 'revolutioners were at the helm 'of affairs, and acted without 'any to controul them. And 'I preſume the reaſons were: 'Firſt, the commiſſioners had 'no inſtructions concerning it. 'Secondly, The uncertainty 'how affairs would go in England. The queen was but 'newly come to the crown, and 'not well fixed in the throne; 'and they foreſaw they might 'expect little thanks, if ſhe afterwards ſhould favour the intereſt of the diſtreſſed royal 'family. And I have reaſon 'to believe, that the queen and 'her

Anne 1702.

fed the ſettling of the ſucceſſion at this time (which they alledged would be an obſtacle rather than an encouragement to the deſigned union) attempting to admit the diſſenting members into the houſe to their aſſiſtance, the high-commiſſioner, fearing the ill conſequences of this procedure, thought fit, on the 30th of June, to adjourn the parliament to the 18th of Auguſt, having returned them thanks for their chearfulneſs and unanimity in their proceedings. And, as ſoon as the parliament was adjourned, the leading men of the different parties haſtened to London, to make their ſeveral repreſentations of things to the queen and her miniſters.

Commiſſioners to treat of an union. Hiſt. of Europe. Vol. VII.

The queen, purſuant to the power given her by acts of parliament of both kingdoms, appointed commiſſioners for treating about an union between England and Scotland (c). The

'her Engliſh miniſtry were then 'inclined to keep the ſucceſſion 'in Scotland open, as a check 'and aweband upon the Whigs, 'and family of Hanover. And, 'laſtly (as they pretended af'terwards in England) that par'liament's title to act was con'troverted, and had ſo little au'thority in the nation, as it was 'not fit to venture upon it, there 'being reaſon to believe few 'would have complied with it, 'and every body almoſt been 'highly diſguſted. For theſe 'and the like reaſons, it is poſ'ſible, I ſay, the commiſſioners 'and other courtiers reſolved to 'wave entering upon the mat'ter.'

(c) The commiſſioners for England were,

The archbiſhop of Canterbury,
Lord-Keeper Wright,
The earl of Pembroke,
The marquis of Normanby,
The duke of Devonſhire,
The duke of Somerſet,
The earl of Jerſey,
The earl of Burlington,
The earl of Nottingham,
The earl of Rocheſter,
The earl of Marlborough,
The earl of Scarborough,
The biſhop of London,
Sir Charles Hedges,
The chief juſtice Holt,
The chief juſtice Trevor,
Sir John Lewiſon Gower,
Sir Chriſtopher Muſgrave,
Sir John Cook, L. L. D.
Robert Harley,
Charles Godolphin,
Samuel Clarke,
Stephen Waller, L. L. D.

The commiſſioners of Scotland were,

The duke of Queenſberry,
The duke of Argyle,
The marquis of Annandale,
The marquis of Lothian,
The earl of Seafield,
The earl of Hyndford,
The earl of Leven,
The viſcount Tarbat,
The viſcount Stair,
The lord Galway,
The lord Boyle,
Sir James Stuart,

Sir

The commiſſioners met, for the firſt time, on the 22d of October, at the Cock-pit, where, after reading both commiſſions, lord-keeper Wright made a ſhort ſpeech on the occaſion of their meeting, and was anſwered by the duke of Queenſberry. Anne. 1702.

As there was not a Quorum of the Scots commiſſioners arrived in town, their meeting was adjourned, by a letter from the queen, to the 10th of November; but, about the 20th of the ſame month, they met again; and, notwithſtanding ſome previous objections made by the lord-keeper to the validity of the Scots commiſſion, they fully adjuſted the preliminaries, of which this was one of the moſt conſiderable, "That "nothing agreed on amongſt themſelves ſhould be binding, "except it be ratified by her majeſty, and the reſpective par-"liaments of both nations; and that, except all the heads "propoſed for the treaty were agreed to, no particular thing "agreed on ſhould be binding." The lord-keeper then propoſed on the part of the Engliſh, "That the two kingdoms "ſhould be inſeparably united into one monarchy under her "majeſty and her heirs and ſucceſſors, and under the ſame "limitations, according to the acts of ſettlement." And the duke of Queenſberry propoſed on the part of the Scots, "That both nations ſhould be united in one monarchy; and "one parliament, with a mutual communication of trade "and privileges." The propoſal of the Engliſh was readily agreed to; and the queen, to quicken matters, came, on the 14th of December, and made a ſpeech to them. The Scots commiſſioners had given in ſix propoſals, on which ſome conſiderations, as a ſubject-matter of debate, were delivered by the Engliſh commiſſioners (d). But, when the Scots

Sir George Maxwell,
Sir James Smallet,
Sir Alexander Douglaſs,
Sir David Dalrymple,
Sir Patrick Johnſtown,
Mr. Montgomery,
Mr. Scrimſer,
The provoſt of Aberdeen.

Dr. Davenant was appointed ſecretary to the Engliſh commiſſioners, and Robert Pringle to the Scots. Hiſt. of Europe, VII. 457.

(d) The ſubſtance of the ſix propoſals given in by the Scots commiſſioners was as follows: 1. That there ſhould be a free trade betwixt the two kingdoms without diſtinction. 2. That both ſhould be liable to an equal impoſition for export and import; and that a book of rates ſhould be adjuſted for both. 3. That the ſubjects and ſhipping of both kingdoms have an equal freedom as to the plantation-trade, and be under the ſame regu-

Anne. 1702. Scots commiſſioners gave in their propoſals for preſerving the rights and privileges of their company trading to Africa and the Indies, ſuch difficulties aroſe, as put a ſtop to all farther progreſs, and nothing more was done upon this commiſſion, which

regulation. 4. That the act of navigation, and all others in both kingdoms, inconſiſtent with the ſaid propoſals, be repealed. 5. That neither of the kingdoms be burthened with the debts contracted by the other before the union; and that the equality of impoſition, in the ſecond propoſal, be underſtood with an exception of the impoſitions laid on and appropriated by the parliament of England for payment of their debts; or, if an equality of impoſition on trade be thought neceſſary, that there be allowed to Scotland an equivalent. 6. That the former propoſals were made without prejudice to the companies or manufactures of either kingdom, which are referred to the further conſideration and progreſs of this treaty. The conſiderations on theſe propoſals delivered by Engliſh commiſſioners were theſe: As to the firſt article, the lord commiſſioners for England agreed, 'That there ſhould be a free 'trade for the native commodities of the growth, product, 'and manufacture of both, with 'an exception as to wool and 'ſheep-fells, and with equal duties on home-conſumptions reſpectively; and that the maſters, mariners, and goods of 'Scotland be under the ſame penalties as thoſe of England.' To the ſecond they deſired there might be added, 'That the 'ſame impoſition and prohibition ſhould be the ſame in both 'as to the import and export.' To the third their lordſhips ſaid, 'That the plantation-trade was 'the property of England, and 'of ſuch conſequence as not to 'be communicated, till the 'other particulars, which ſhould 'be thought neceſſary to the 'union, were adjuſted; and 'that in this article there ſhould 'be proviſion made, that Scotsmen be liable to be preſſed in 'time of war for her majeſty's 'ſervice.' To the fourth they agreed, 'That the act of navi'gation be accommodated to 'the union.' To the fifth, they thought it contradicted what was agreed in the ſecond; and ſaid, 'There was no duty on trade, 'except ſome of the funds of 'the civil government, but 'what was appropriated to pay 'private debts; and tho' thoſe 'debts were contracted by a long 'war, entered into more particularly for the preſervation of 'England and the dominions 'thereto belonging; yet Scotland had taſted the benefit of 'that war, by the oppoſition 'made to the growth and power 'of France; and that Scotland 'would be abundantly compenſated for that burden by a compleat union, which could not 'be eſtabliſhed with equality, 'unleſs there were the ſame 'duty in both kingdoms on foreign and home-conſumption: 'But how the money ariſing 'from thence in Scotland ſhould 'be

which was annulled by the new Scottiſh parliament called by the queen, as will hereafter be ſeen. Anne. 1702.

Affairs of Ireland.

Ireland was now put under lords juſtices, named by the earl of Rocheſter. The earl of Mount-Alexander, major-general Erle, and Thomas Knightly, were appointed lords juſtices, in the room of the archbiſhop of Dublin and the earl of Drogheda, whom the lord Rocheſter had left in the government of that kingdom. Mean time, the truſtees for the forfeited eſtates continued ſtill in their former authority.

Affairs in Germany. Burnet.

While affairs were in this ſituation at home, the firſt ſtep that was made beyond ſea, was by the houſe of Hanover. It had been concerted with the late king before his ſickneſs, and was ſet on foot the week he died. The deſign was well laid, and the execution managed with great ſecrecy. The old duke of Zell, and his nephew the elector of Brunſwick, marched in perſon with an army, that was rather inferior in ſtrength to that of the duke of Wolfembuttle. They entered their country, while their troops were diſperſed in their quarters. They ſurprized ſome regiments of horſe, and inveſted both Wolfembuttle and Brunſwick at once, and cut off all communication between them. Having them at this diſadvantage, they required them to concur in the common councils of the empire; to furniſh their quota for its defence, and to keep up no more troops than were conſiſtent with the ſafety of their neighbours. For it was well known, that the greateſt part of their men were ſubſiſted with French pay, and that they had engaged themſelves to declare for France, as ſoon as it ſhould be required. Duke Rodolph, the elder brother, was a learned and pious prince; but, as he was never married, ſo he had transferred the government to the care of his brother duke Anthony, who was of a temper very different from his brother's. He could not bear the advancement of the houſe of Hanover, and therefore, in oppoſition to them, entered into the intereſts of France. But, being thus ſurprized, he went away in diſcontent, and his brother broke through all thoſe meaſures, in which he had involved himſelf. In conjunction with duke Anthony, the duke of Saxe-Gotha had entered into the ſame engagements with

'be applied, or what equivalent ſhould be allowed the Scots for it, might be ſettled, when their lordſhips came to propoſe what proportion Scotland ſhould bear of the public burden for the ſupport of the government in peace and war. For the ſixth propoſal, they deſired it might be further explained.' Hiſt. of Europe, VII. 461.

France

Anne. 1702. France, but was now forced to fall into the common intereſts of the empire.

The war in Poland. Ibid.

Thus all the north of Germany was united, and ready to declare againſt France: Only the war of Poland was ſo near them, that they were obliged to continue armed, and ſee the iſſue of that war. The king of Sweden was engaged in it, with ſuch a determined oppoſition to king Auguſtus, that there was no hope of treating a peace, though it was endeavoured both by England and the States-general. His Swediſh majeſty ſeemed to have accuſtomed himſelf to fatigue and danger; ſo that he grew to love both; and though the Muſcovites had fallen upon the frontiers of Sweden, where they had gained ſome advantages; yet even that could not divert him from carrying on the war in Poland. A dyet was ſummoned in that kingdom, but it broke up in confuſion, without coming to any concluſion; only they ſent ambaſſadors to the king of Sweden to treat of a peace. The king of Pruſſia was very apprehenſive of the conſequences of this war, which was now in the neighbourhood of Pruſſia; and the king of Sweden threatened to invade Saxony with the troops, that he had in Pomerania, which could not be done but through his territories. The king of Sweden delayed giving audience to the ambaſſadors of Poland, and marched on to Warſaw; upon which the king of Poland retired to Cracow, and ſummoned thoſe Palatines, who adhered to him, to attend him. When the king of Sweden came to Warſaw, he ſent to the cardinal primate to ſummon a dyet for chuſing a new king; which was going further than the reſentments of the Poles yet carried them. But the progreſs of this affair will appear in its proper place.

A treaty with the houſe of Bavaria. Burnet.

All Germany was now united, except the two brothers of Bavaria. The court of Vienna entered into ſeveral negotiations with the elector of Bavaria, but without any effect; for that elector ſeemed only to hearken to their propoſitions, that he might make the better terms with France. The elector of Cologne put Liege, and all the places he had on the Rhine, into the hands of the French, except Bonne; which, it was ſaid, he kept with the view of being able to make peace with the emperor, by putting that in his poſſeſſion, though he was prevailed on afterwards to deliver that likewiſe to the French. In this conduct the elector acted againſt the advice of all his council; and, as the dean of Liege was making ſome oppoſition to him, he was ſeized on, and carried away priſoner in a barbarous manner. The elector, to excuſe his admitting the French into his country, pretended,

tended, that he only desired the assistance of some of the troops of the circle of Burgundy, to secure his dominions; for, as France was not ashamed of the slightest pretences, so she taught her allies to make excuses unbecoming the dignity of princes. Anne. 1702.

Thus the confederates seemed to begin the war against France under many and great disadvantages: Besides, that the electors of Bavaria and Cologne had declared for France, and the elector of Saxony, king of Poland, on account of his war with Sweden, was hindered from sending his full proportion of troops, a prince of the house of Bourbon was now on the throne of Spain (which had formerly acted in concert with England and Holland) a French army had over-run the state of Milan; and, to this army, the duke of Savoy (engaged to France by the double marriage of his two daughters) had joined his forces. The emperor had sent his veteran troops under the command of prince Eugene, to keep the French at a bay in Italy; and all the Spanish towns on the frontiers of Holland were garrisoned by French soldiers. But notwithstanding all these visible disadvantages, by the wise and steady councils of England, the prudent management of the public treasury, the just measures concerted by the earl of Marlborough with foreign powers, the bravery and resolution of the confederate troops, and the experience and good conduct of their commanders, it was soon concluded by all, who were judges of such matters, that the allies would, in the end, prove an over-match for France. Posture of affairs in the beginning of the war.

Negotiations were still carried on in several courts. Mr. Methuen was sent to try the court of Portugal; and he quickly returned with full assurances of a neutrality, and a freedom of trade in the ports of that kingdom; and, as insinuations were given of a disposition to go further, upon a better prospect and better terms, he was immediately sent back to urge that matter as far as it would go. The pope pretended he would keep the neutrality of a common father, but his partiality to the French appeared on many occasions; yet the court of Vienna had that veneration for the Holy See, that they contented themselves with expostulating, without carrying their resentments further. The Venetians and the Great Duke followed the example set them by the Pope, though the Venetians did not escape so well, for their country suffered on both hands.

The

Anne. 1702. The firſt ſtep of the war was to be made in the name of the elector Palatine, in the ſiege of Keyſerſwaert (e), which had been put into the hands of the French by the elector of Cologne, and which, whilſt in their hands, expoſed both the circle of Weſtphalia and the dominions of the States; for their places on the Whall, being in no good condition, lay open to the excurſions of that garriſon. The trenches had been opened before this town on the 18th of April; and the care of the ſiege committed to the prince of Naſſau Saarbrugh (declared the emperor's marſhal de camp) under whom the Dutch ſerved as auxiliaries to the emperor, the States not having declared war againſt France. Another army of the Dutch was formed under the earl of Athlone, and lay in the duchy of Cleve to cover the ſiege; and a third, commanded by general Cohorn, broke into Flanders, forced and demoliſhed the lines between the two forts of St. Donat and Iſabella, which the enemy had been many months raiſing with great labour and expence, and laid the greateſt part of the Chatellanie of Bruges under contribution. However, after theſe ſucceſſes, upon the approach of the marquis de Bedmar and the count de la Motte, with the French troops under their command, which were ſuperior in number to him, Cohorn was forced to retire under the walls of Sluys; but, to prevent the enemy's taking fort Donat, he firſt laid the country under water, and forced the Spaniards to retire towards Ghent.

The ſiege of Keyſerſwaert. Hiſt. of Europe, Vol. VII. Burnet. Broderick.

Succeſs of general Cohorn.

Motions of the French army.

Marſhal de Boufflers, having drawn his troops together, and laid up great magazines in Ruremond and Venlo, paſſed the Maeſe with his whole army, and, the duke of Burgundy coming poſt from Paris to command it, the States were apprehenſive, that ſo great a prince would, at his firſt appearance, undertake ſomething worthy of himſelf, and, believing

(e) Keyſerſwaert is a town below Duſſeldorp, on the Rhine, mean, but well fortified; and did belong to the elector of Cologne. It had a broad ditch, very regular fortifications, and high walls faced with brick: As alſo the counterſcarp, which was in a very good condition. It is ſeated on the north of the Rhine, ſix German miles between Cologne to the north-weſt, and the ſame diſtance from Gulick (or Juliers) to the north. The French poſſeſſed themſelves of it for cardinal Furſtemburgh in 1688, but the late elector of Brandenburgh retook it in the year 1689, and delivered it to the elector of Cologne, who in 1701 received a French garriſon into it, which continued there till it was taken by the army of the allies. It is now ſubject to the duke of Neuburg.

the

the deſign might be upon Maeſtricht, threw twelve thouſand men into that place. Anne. 1702.

The ſending away ſo large a detachment, the auxiliary troops from Germany not coming ſo ſoon as expected, and contrary winds having ſtopped a great part of our army, were the occaſions, that the earl of Athlone was not ſtrong enough to enter into action with the marſhal de Boufflers. He encamped therefore at Clarenbeck, between Nimeguen and Cleve, to watch his motions; and, while Boufflers lay at Zanſen near Cleve, the earl, having detached major-general Dampre with a thouſand horſe towards the enemy, he happened to meet a party of about ſix hundred French horſe, whom he attacked and totally defeated, killing two hundred on the ſpot, and taking as many priſoners, with the loſs only of about thirty troopers and dragoons.

The ſiege of Keyſerſwaert went on but ſlowly. The trenches had been opened on the 18th of April with little loſs; and on the 20th, the beſiegers did great execution by the bombs which they threw into the town. But the enemy made a vigorous ſally, with deſign to ruin the works of the beſiegers. The Dutch repulſed them twice with great bravery; but, not being ſuccoured in time, and being inferior to the enemy, they were forced to quit their poſt, and make a retreating fight, till at length the cavalry, deſigned for their relief, coming up, the enemy were, in their turn, conſtrained to retire with great precipitation. On the 21ſt and 22d the enemy made two ſallies more, but with much the ſame ſucceſs, and in the latter were purſued to the counterſcarp, leaving a great number of dead and wounded men upon the ſpot; and at the ſame time the brigadier, who commanded them, was taken priſoner. On the 23d, in the morning, twelve hundred Pruſſians attacked an iſland in the Rhine, about ſix hundred paces broad, a little below the town, in which two hundred French were poſted, who had built ſeveral works and fortifications, and had two ſeveral batteries there. Upon the approach of our men, they fired very briſkly; but the prince of Anhalt Deſſau, who commanded, managed the affair with that prudence and valour, that the French, after a whole day's reſiſtance, being ſummoned to yield, or run the hazard of being put to the ſword, mutinied againſt their officers, and, throwing down their arms, ſurrendered at diſcretion. The commander in chief was ſo enraged at this, that he laid violent hands upon himſelf; and the reſt of the officers, attempting to make their eſcape in a little boat, were all killed, except a captain and a lieutenant. The next day,

Progreſs of the ſiege of Keyſerſwaert. Roderick.

April

Anne. 1702. April 24, the beſiegers carried their trenches within two hundred paces of the town, and had four batteries continually firing, with which they had made conſiderable breaches in the rampart, ſo that they intended to make an attack upon the counterſcarp; for which purpoſe a good number of faſcines and wool-packs were prepared, it being thought, that by thoſe proceedings the town would ſoon ſurrender. However, the confederates were very much miſtaken in their calculation; for, though they propoſed at firſt to be maſters of that place in three weeks, they found it held out near two months, and had like to have proved a bad beginning of a new war. For count Tallard, having poſted himſelf with his flying camp, on the other ſide of the Rhine, fired from thence with ſo much ſucceſs, that the beſiegers, notwithſtanding their intrenchments, were very much incommoded, and had, beſides, the mortification to ſee the beſieged ſuccoured from that camp with troops, ammunition, and all neceſſary refreſhment, which, with the exceſſive rains that ſwelled the Rhine, to the great prejudice of the aſſailants, occaſioned the length of the ſiege. However, all this while the beſiegers cannonaded the town, and battered the outward fortifications with forty-eight great guns, and thirty mortars; ſo that it was almoſt reduced to aſhes, when they reſolved to make a general attack on the counterſcarp and ravelin. This they executed with unparalleled bravery. The conflict was obſtinate and bloody, for nothing was to be ſeen for two hours, but flame and ſmoke. But at length the beſieged were conſtrained to give ground, and leave the beſiegers maſters both of the ravelin and the counterſcarp, upon which they immediately lodged themſelves. The prince of Naſſau Saarburgh perſonned prodigies of valour, giving his orders with great contempt of the danger, and admirable preſence of mind; and all the other officers and ſoldiers behaved themſelves in this action beyond expectation. This advantage, however, coſt the confederates very dear (f); for they had ſix hundred and eighty men killed, and one thouſand nine hundred and two wounded in the action; but it likewiſe ſo much weakened the garriſon, that they were forced to capitulate, and obtained honourable terms. The fortifications were raſed according to agreement.

June 9. N. S.

The town ſurrenders, Jan. 15.

(f) Father Daniel, in his 'Hiſtorical Journal of the Reign 'of Lewis XIV,' aſſerts that this place coſt the allies more men than they would have loſt in a pitched battle, to the number of ſeven or eight thouſand.

Upon

Upon the taking of the counterſcarp, count Tallard, finding that he could be of no farther ſervice to the beſieged, joined the grand army under the command of the duke of Burgundy, which, by the calling in of all their other detachments, and particularly of the French king's houſhold-troops, became greatly ſuperior to that of the confederates under the earl of Athlone; and they were ſo ſenſible of it, that they reſolved to put in execution, without delay, the following deſign, of which they had for ſome time before boaſted. Anne. 1702.

On the 10th of June, N. S. the marſhal de Boufflers decamped from Zanten, and directed his march, without ſound of trumpet or beat of drum, through the plains of Goch towards Mooker-Hyde, cloſe by Nimeguen, with a view to get between the confederate army and that city, and ſo to cut them off from their proviſions, ammunition, and forage. Upon this the earl of Athlone, having early information of the enemy's motion, and diſcovering their deſign, called a council of general officers, wherein it was unanimouſly reſolved, that the confederates ſhould begin their march that evening. The baggage was accordingly ſent to Nimeguen, and, after ſeveral marches and regulations, the earl about break of day received particular intelligence of the ſtrength of the enemy, and cauſed the cavalry to be drawn up in order of battle to cover the march of the infantry. About eleven in the morning, the French horſe advanced in great numbers, with the houſhold-troops at their head, and preſſed upon the earl, who behaved himſelf with great reſolution. However, as the confederate ſquadrons were wheeling, the French troops puſhed them upon the foot, and put two or three battalions into confuſion; but, by the conduct of the general officers, the enemy was ſoon repulſed. On the other ſide there happened an encounter between ſome of the ſquadrons of the French king's houſhold, ſome Daniſh ſquadrons, and ſome of the earl of Athlone's carabineers, who ſo remarkably diſtinguiſhed themſelves upon this occaſion, that the French were repulſed, though with conſiderable loſs on both ſides. By this time, the confederates were got under the cannon of [illegible]uen, which, ſoon after, began to play upon the enemy, [illegible]s ſignaliſed themſelves on this occaſion in an [illegible]ner; for, though they had not a gunner in [illegible]maged their artillery with great ſucceſs. [illegible] had the honour to cloſe the retreat, maintained their poſt in excellent order, being aſſiſted by the prince of Wirtemberg, who put a ſtop to the houſhold-troops, which were advanced very near them, and preparing to charge

An attempt upon Nimeguen. Broderick. Burnet.

Anne. 1702.

charge them towards the end of their march. Twenty battalions of foot were posted in the outworks of Nimeguen, and the whole army was under arms all that night, as was the enemy likewise. The next morning a great body of French horse and foot advanced towards the allies, as if they intended to attack them; but this they did only to cover the march of their own army, which filed off towards Cleve, venting their rage at their disappointment upon the defenceless country, which they rifled and laid waste, destroying the park of Cleve, and all the delicious walks and avenues of that charming place. Thus was marshal Boufflers disappointed in his design upon Nimeguen, which, if taken, must have been followed with very fatal consequences, for the French would have penetrated into the very heart of the United Provinces: It was but indifferently provided for an attack, and the scheme was well laid against it, and wanted but little of being punctually executed, the enemy missing but half an hour of arriving in the outworks before the confederates. The earl of Athlone's conduct on this occasion raised his credit, as much as it sunk marshal Boufflers, who, though he had a superior army, animated by the presence of so great a prince as the duke of Burgundy, was able to do nothing, but was unsuccessful in every thing that he designed; and his parties, that at any time were engaged with those of the earl, were defeated in almost every action.

Landau invested.

The unsuccessful attempt upon Nimeguen, and the reduction of Keyserswaert, were not the only mortifications which the French suffered; for, their army in Germany being but weak, and drawing together but slowly under the command of marshal de Catinat, the Germans had an opportunity of laying siege to Landau (a). This strong and important place was invested on the 16th of June, N. S. by prince Lewis of Baden, who spent the rest of the month in raising batteries,

(a) Landau is a little but strong city of Germany, in the Lower Alsatia, upon the confines of the Palatinate of the Rhine; once imperial, but yielded to the French by the treaty of Munster. This town was the great magazine, where the French, after they had plundered most of the towns of the Palatinate in 1688, laid up the booty, all which was burnt by an accidental fire in May 1689. It was now taken from the French by the Germans, but they [illegible] took it in 1703, as [illegible] in the his[illegible] camp[illegible]. In [illegible] perialists [illegible] the battle of [illegible] on the Queich, [illegible] of Neustadt, and sixteen south-west of Spires.

and making his approaches; and, on the 27th of July, the king of the Romans arrived in the confederate camp, in order to have the honour of taking the city: His train was so large, and his equipage so ſplendid, that the expence of it put all the emperor's affairs in great diſorder; the moſt neceſſary things being neglected, while a needleſs piece of pomp conſumed ſo great a part of their treaſure. The ſiege was ſtopped for ſome weeks for want of ammunition; but at laſt the citadel was taken by ſtorm on the 9th of September, and, on the 12th, the city ſurrendered. Anne. 1702.

BOOK XXVIII. CHAP. II.

The duke of Marlborough ſets out to command the army —Takes ſeveral places—Is ſurprized by a French party, but eſcapes—Bavaria declares for France—The battle of Fridlinguen—Treves taken by the French—War in Italy—King Philip goes to Italy—Battle of Luzzara—The French try to gain the Turks—Affairs in Poland—Expedition to Cadiz—Admiral Munden broke—Galleons taken and burnt at Vigo—Parliament diſſolved and a new one called—The queen's ſpeech and the commons addreſs—Debates upon it—Partiality in judging elections—Proceedings againſt the biſhop of Worceſter—Rooke's conduct examined—A bill for prince George—Proceedings on the queen's meſſage to the commons in favour of the D. of Marlborough—A bill againſt occaſional conformity—A farther ſecurity to the Proteſtant ſucceſſion—Enquiry into the public accounts—Seſſion ends—Proceedings in the convocation—Great diviſions among the clergy—Clarendon's hiſtory publiſhed—The queen touches for the evil—Engagement between Bembow and du Caſſe—Succeſs of the Engliſh and the burgh[illegible]—Proceedings in Scotland—The act of Se-

Nime[illegible]

extraordinary ma[illegible]

the town, they [illegible]

The Engliſh [illegible]

THE ſtate of the campaign, before the earl of Marlborough left England, from whence he ſet out on the 12th of May, and, upon his arrival at the Hague, having the character of ambaſſador as well as captain-general, he The earl of Marlborough ſets out to command the army.

Anne. 1702.

he had ſeveral conferences with the States, in which he gave them all poſſible aſſurances of the queen's affection and reſolution to ſupport them in all emergencies. The earl of Athlone was ſet on by the other Dutch generals, to inſiſt on his quality of velt-marſhal, and to have the command with the earl of Marlborough by turns. But, though he was now in high reputation by his late conduct, the States obliged him to yield this point to the earl of Marlborough, whom they declared generaliſſimo of all their forces, and ſent orders to all their generals and other officers to obey him. The earl, on his part, made ſo modeſt and becoming a uſe of the power put into his hands, as ſoon gained him the hearts of all the general officers under him; and, to the earl of Athlone in particular, he behaved in ſo obliging a manner, that the command ſeemed to be equal between them.

Burnet. Broderick.

The army is drawn together.

All things being now regulated with the deputies of the States, the earl left the Hague on the 30th of June, N. S. and went to Breda; from whence he ſent what detachments could be ſpared from that place and other garriſons, to the camp at Nimeguen. He followed thither himſelf on the 2d of July, where, the next day, the earl of Athlone, lieutenant-general Dopff, and the other general officers, made him a viſit; and, at an interview with them, he gave the neceſſary orders for drawing the army together. Nineteen battalions of the troops, which had been employed at the ſiege of Keyſerſwaert; the troops of Heſſe and Lunenburgh; the Engliſh forces from Breda under major-general Lumley, and other troops, having joined the army, a camp was formed at Duckemberg and Budweick, conſiſting of ſeventy-ſix battalions of foot, and one hundred and twenty ſquadrons of horſe and dragoons, amounting together to about ſixty thouſand men, with ſixty-two cannon, eight mortars and hawbitz, and four and twenty pontoons. Thither the earl went likewiſe, and, on the 8th, called a council of war of all the general officers, to concert the further operations of the campaign.

The earl of Athlone was always inclined to cautious and ſure, but withal feeble, counſels; but the earl of Marlborough, when the army was thus brought together, finding his force ſuperior to the duke of Burgundy's, on the 16th paſſed the Maeſe, and encamped at Over-Aſſelt near Grave, within two leagues and a half of the enemy, who had intrenched themſelves between Goch and Gennep. On the 20th the confederate army repaſſed the Maeſe below the Grave; and, on the 28th, encamped at Geldorp, upon which motion the French paſſed the ſame river about Venlo. Two days after,

the

the allies removed from Geldorp to Gravenbroeck, where finding a French garriſon in the caſtle, ſeated in a moraſs, and ſurrounded by a double ditch and good palliſadoes, a detachment, under the command of the lord Cutts, briſkly attacked it, and, with the aſſiſtance of four cannon and two hawbitz, after a ſhort reſiſtance obliged the garriſon, conſiſting of a captain and an hundred men, to ſurrender at diſcretion. The ſame day, the Britiſh artillery arrived in the camp from Holland, under convoy of two Engliſh regiments of horſe and two of foot, which had left England in the beginning of June. On the 2d of Auguſt, N. S. they advanced to Petit-Brugel, following the French, who retreated as they advanced, ſo cloſe, that they were obliged to abandon the Spaniſh Guelderland, which was left to the diſcretion of the confederates. The earl of Marlborough was for venturing upon a deciſive action, for which end, the whole army was ordered to their arms the next morning early. But the Dutch were afraid to put things to ſuch an hazard, and would not conſent to it. Penſionary Fagel, and thoſe who had the adminiſtration of affairs at the Hague, proceeded with the more caution, becauſe, upon the late king's death, thoſe, who had always oppoſed him, began to form parties in ſeveral of their towns, and were deſigning a change of government; ſo that any public misfortune in their conduct, would have given great advantages to thoſe, who lay upon the watch for them. The penſionary was more particularly aimed at; and that made him the more unwilling to run any riſque. Thoſe, who pretended to be judges, thought, that, if the earl of Marlborough's advice had been followed, matters might have been brought to a happy deciſion; and the rather, as it afterwards appeared, that the French army was not above half got to their camp, great fatigued by an almoſt continual march of two days and two nights, and in the greateſt conſternation. But, as the earl was prudent in his conduct of the army, ſo was he careful not to take too much upon himſelf. Anne. 1702.

The duke of Burgundy, finding himſelf obliged to retreat as the confederate army advanced, thought this was not ſuitable to his dignity; and therefore left marſhal Boufflers to command, ending his firſt campaign very ingloriouſly; and it appears, that the French king was diſſatisfied with the conduct of the marſhal, for he never after repoſed any confidence in him.

The Dutch, who were ſo lately in the deepeſt conſternation upon the retreat of their army under the cannon of Nimeguen, before the earl of Marlborough's arrival, had now the

Anne. 1702. pleaſure to ſee the French fly in their turn; and thus were the United Provinces preſerved by the earl's prudence and vigilance, whilſt the duke of Burgundy, who came to the army to be taught how to fight, learned nothing but how to avoid an engagement.

Venlo taken, Sept. 25. The earl of Marlborough went on, taking ſeveral places, which made little or no reſiſtance; and finding at length, that the French were not to be brought to an engagement on equal terms, and the deputies of the States-general, who followed the army, having repreſented to him, that it was much more for the advantage of Holland to diſpoſſeſs the enemy of the places they held in the Spaniſh Guelderland, whereby the free navigation of the Maeſe was interrupted, and the important town of Maeſtricht in a manner blocked up, he therefore diſpoſed all things for the ſiege of Venlo. In the mean time, general Schultz was ordered to reduce the town and caſtle of Wertz, which capitulated after a ſhort reſiſtance.

Fort St. Michael taken by ſtorm. On the 7th of September, the trenches were opened on both ſides the Maeſe, and the town of Venlo ſurrendered on the 25th of the ſame month, after fort St. Michael had been ſtormed and taken by the Engliſh under the command of the lord Cutts, who, with ſeveral other officers of the ſame nation, particularly the young earl of Huntingdon (b), ſhewed an incredible bravery on that hazardous occaſion.

Ruremond ſurrenders, Oct. 7. The earl proceeded with the army under his command to ſit down before Ruremond, the ſecond city of Guelders, ſtanding upon the Maeſe, at the confluence of that river and the Roer; which, after a very vigorous ſiege, beat a parly on the 6th of October, and the next day ſurrendered upon articles. The ſame time Steevenſwaert, a fortified place, ſeated on the Maeſe, about five miles from Ruremond to the ſouth, capitulated likewiſe. Upon the ſucceſſes of the confederates, marſhal Boufflers thought it high time to provide for the ſecurity of Liege (c), which he juſtly apprehended to be

(b) The young earl ſhew[illegible] them on with much bravery and upon this and many other o[illegible] Burnet, II. 325. ſions, an extraordinary he[illegible] confide-courage. He called to th[illegible] pleaſant diers who had got over the [illegible] hills, the ſadoes to help him over, [illegible] river entering it in two bran-ſing them all the money h[illegible] leſſer about him; which prom[illegible] many degenerouſly performed, and led [illegible] the brow of

be in no ſmall danger. Being accompanied therefore with the duke of Mayne, and taking with him ſome Engineers, he went to view the fortifications of the citadel, and, after that, the moſt conſiderable poſts between that city and Maeſtricht, as if he intended to incamp there; but, finding it impracticable by the approach of the confederates, who were marching towards Liege, he retreated to Tongeren with great precipitation, and went towards Brabant, to defend ſuch places, as at that time were not intended to be attacked. Anne. 1702.

When the confederate army came before Liege, they found the ſuburbs of St. Walburgh ſet on fire by the French garriſon, who were retired, part into the citadel, and part into the Chartreuſe, after which the city was delivered up to the beſiegers, by a treaty between the earl of Marlborough, the deputies of the States-general, and commiſſioners from the chapter and magiſtracy. Six days after, the trenches were opened againſt the great citidel, which was taken by ſtorm, notwithſtanding de Violaine, the governor, five days before, upon a ſummons to ſurrender, ſent the earl of Marlborough word, "That it would be time enough to think of that ſix "weeks hence." The aſſailants having exerted an amazing courage in this attack, and put moſt of the garriſon to the ſword, gained a conſiderable booty, beſides honour; for, in the caſh of treaſure [illegible] there three hundred thouſand florins in gold and ſilver, and notes for one million two hundred thouſand florins upon ſubſtantial merchants at Liege, which were all accepted, and turned into ready money (d). This victory was ſoon after compleated by the ſurrender of the Chartreuſe, the garriſon of which place, having capitulated, were conducted to Antwerp. Liege capitulates, Oct. 14. Oct. 23. Oct. 30.

Thus

of a hill which hangs over it, ſtands the citadel (or caſtle) of great ſtrength, built to command the town; without which, it would be but of ſmall conſequence. Here is a famous univerſity, endowed with large eccleſiaſtical revenues. There are alſo eight collegiate, and thirty-two parochial churches. It was taken this year by the confederates, and inveſted in 1705 by the French; who broke up the ſiege, and retired behind their lines, upon the news of the duke of Marlborough's ſpeedy return with his army from the Moſelle. It was reſtored to the elector of Cologne in 1714.

(d) 'Tis ſaid an Engliſh grenadier got a thouſand Louis-d'ors in a bag for his ſhare. The extraordinary bravery of the hereditary prince of Heſſe Caſſel deſerves the higheſt encomium; who went volunteer to

Anne. 1702.

Thus ended the campaign with great ſucceſs, many places having been taken with little reſiſtance, and an inconſiderable loſs either of time or of men. The earl of Marlborough's conduct gained him the hearts of the army, and the States-general were highly ſatisfied with every thing he did; and the earl of Athlone did him the juſtice to own, that he had differed in opinion from him in every thing that was done, and that therefore the honour of their ſucceſs was intirely owing to him.

The earl of Marlborough is taken by a French party, but gets out of their hands. Burnet.

Upon the breaking up of the army in November, an accident happened that had like to have loſt all the advantages and honour gained in this glorious campaign. The earl of Marlborough, the day the army ſeparated, went to Maeſtricht; and he thought the eaſieſt and quickeſt, as well as ſafeſt, way of returning to the Hague, was by ſome of thoſe great boats that paſs on the Maeſe. He had twenty-five ſoldiers, commanded by a lieutenant, in the boat with him to ſerve as a guard. The next morning he came to Ruremond, where he joined monſieur Cohorn; and, having dined with the prince of Holſtein-Beck, governor of that place, they continued their voyage together, having ſixty men in a larger boat, which was to be before them. There were likewiſe fifty horſe ordered to ride along the banks of the river. About ſeven that evening they came to [illegible] where the party of horſe being relieved by a [illegible] garriſon, they purſued their way [illegible] The great boat, in which general Cohorn was, out-ſailed the other, and the troopers on ſhore miſtook their way in the night. The French had yet the town of Guelders in their hands, which was indeed the only place they had left in Spaniſh Guelderland. A party of five and thirty men from thence was lurking on the banks of the river near three leagues below Venlo, waiting for an adventure; and, the company being all aſleep, they ſeized by ſurprize, between eleven and twelve at night, the rope by which the boat was drawn, and hauled it on ſhore. They immediately made a diſcharge of their ſmall

the attack at the head of the grenadiers, and, mounting the breach the very firſt, took the colours from a French officer. Mr. Wentworth (brother to the lord Raby) who likewiſe went volunteer in the ſaid attack, was killed. Monſieur de Violaine [illegible] and the duke [illegible] were taken priſoners upon the breach, and brought to the earl of Marlborough's quarters.

arms.

Anne. 1702.

arms, and threw several grenadoes into the boat, by which some of the soldiers were wounded.

This done, they entered and seized the boat, with all who were in it, before they could get in any order to make opposition. With the earl were monsieur Opdam, one of the Dutch generals, and monsieur Gueldermalsen, one of the deputies of the States. They did not know the earl, but they knew the other two, who both had passes, according to a civility usually practised by the generals on both sides. The earl of Marlborough's brother had one, but, his ill state of health having made him leave the campaign, it remained in the hands of his secretary, and now was made use of by the earl. The date indeed was out; but the presence of mind, with which he produced it, and their hurry in the night, prevented that from being considered. They therefore only rifled the boat, searched the trunks and baggage, emptied them of what plate and things of value they found, and took presents from those, whom they believed to be protected by their passes; and then, after having stopped them several hours, and taken the earl's guard of foot prisoners, they let them go. The governor of Venlo, having notice that the earl was taken, but not being informed of the circumstances which followed, presumed that he was carried prisoner to Gue[illegible] [illegible] marched out immediately with his whe[illegible] [illegible] place. The news of it likewise coming to the [illegible]gue in [illegible] same imperfect manner, put the States under no small consternation. They immediately assembled, and resolved to send orders to all their forces to march immediately to Guelders, to threaten the garrison with the utmost extremities, unless they should deliver the prisoners, and never leave the place, till either they had taken it, or the generals were set free. But, before these orders could be dispatched, the earl of Marlborough came to the Hague, where he was received with inexpressible joy, not only by the States, but by all the inhabitants, for he was beloved there to a high degree. He was complimented upon his escape by pensionary Heinsius, in the name of the States.

The elector of Bavaria surprizes Ulm. Burnet. Broderick.

The necess[illegible] [illegible]rench king's affairs had forced him, [illegible] the loss of Lau[illegible]u, to grant the elector of Bavaria all [illegible] demands; but he had not agreed to what the elector [illegible]ed, till that city was given for lost; and then, seeing that prince of Baden might over-run all the Hondruck, and [illegible]y his winter-quarters into the neighbourhood of France, was necessary to gain [illegible] elector on any terms. If this agree-

Anne. 1702.

agreement had been made sooner, probably the siege of Landau, how far soever it was advanced, must have been raised. The elector made his declaration in favour of France, when he possessed himself of Ulm, a rich free town of the empire, in the circle of Swabia. It was taken on the 8th of September, by a stratagem, that, however successful it proved to the elector, was fatal to him who conducted it; for he was killed by an accident, after he was possessed of the town (e).

and declares for France.

The empire declares war against France. Broderick. Hist. of Europe. Vol. VII.

The dyet of the empire was so incensed at the treachery of the elector of Bavaria in seizing Ulm, that, after a warm debate, it was resolved by a plurality of voices, to declare war against the French king and the duke of Anjou; and a memorial was ordered to be drawn up, requesting his imperial majesty to proceed against the elector, according to the constitutions of the empire. The ministers of the elector of Bavaria and Cologne were forbid to appear any more in the general dyet; notwithstanding which, the elector of Bavaria protested against these proceedings, and particularly against the declaration of war, alledging, "That an offensive war, like this, "ought to be resolved on by common consent, and not by "plurality of voices." To which it was answered, "That "the king of France had attacked the empire, by invading, "not only in his own name, but in the name of the duke of "Anjou, his grandson, several fiefs of the empire in Italy, "the archbishopric of Cologne, and the diocese of Liege; "as also by disturbing the trade of the Rhine, and committing several other hostilities, which rendered this war defensive, and not offensive, on the side of the empire." But no regard was had to his protests, and the empire's declaration of war was published and notified to the cardinal of Lamberg, the emperor's commissioner, on the 30th of September, N. S. by the elector of Mentz, in the name of the dyet of Ratisbon.

Newburg is taken by the French. Broderick.

The taking of Ulm had given so great an alarm to the neighbouring circles and princes, that they called away their troops from the prince of Baden to their own defence; by which means his army was much diminished; but, with the troops, that were left him, [illegible] the commu-

(e) This project was executed by monsieur Peckman, lieutenant-colonel of the elector's guards. Ulm is a strong and populous city in the circle of Swabia, free and imperial, adorned with many stately edifices; particularly with a cathedral excelled beyond any in Germany. It stands on the Danube and Iller, thirty-eight [illegible] of Augsburg.

nication between Strasburgh and Ulm. After the taking of Ulm, the French made themselves masters of the little town of Newburg, on the Rhine, and in the circle of Swabia. This gave great uneasiness to prince Lewis of Baden, who made a motion with part of his army, to retake it, and to cover Brisac; but he was so much weakened by the detachments, that had been sent to Swabia, in order to hinder the conjunction of the Bavarians and French, that he had not above eight thousand men in his camp near Fridlinguen. The enemy, having intelligence of this, thought there could not be a more seasonable opportunity to attack him; for which purpose, the French, who were divided in two bodies (one commanded by the marquis de Villars, and the other by count de Guiscard) passed the Rhine with the infantry, which, the next day were followed by the cavalry. The prince of Baden, upon this, decamped from Fridlinguen, for fear of being incloſed by the two bodies of the French; and, whilst he was upon the march, count Merci, who brought up the rear with four hundred horse, sent him word, that Villars was advancing towards him with thirty battalions and forty squadrons, in order of battle. Hereupon the prince caused his army to face about, which being not above fifteen hundred paces from the enemy, both sides made a halt, and the prince began the engagement, by cannonading the French. The imperialists, being then attacked, pushed the enemy with great vigour; and, coming down into the plain, charged so briskly the right wing of the French army, that there was scarce ever seen a more obstinate and bloody battle, which continued for near two hours. But, the imperialists being much weaker than the French, and the count de Guiscard coming up with succours, the second line of the imperial cavalry was, on a sudden, put into such disorder, that all the horse quitted the field in great confusion. The prince now thought it high time to make the best retreat he could with his infantry; but they, contrary to his expectation, fell in with the French foot with such undaunted bravery, that they broke their ranks, and drove them from their ground into a wood adjoining, through which they pursued them almost to Hunningen. The French horse all this while stood still, and seemed to be only spectators of the defeat of their infantry; but, observing their foot to be intirely routed, they likewise made their retreat.

Anne. 1702.

The battle of Fridlinguen. Hist. of Europe, Vol. VII.

The prince, having thus obtained the victory, continued about five hours in the field of battle, and then directed his march towards Stauffen. Notwithstanding these disadvantages

Anne. 1702. tages of the enemy, the French king ordered Te Deum to be ſung, as if his troops had been victorious (f); and, to ſupport

(f) Father Daniel affirms, that marſhal Villars defeated the imperial army in this battle; and that the latter left three thouſand dead upon the place; and that nine hundred were taken priſoners, beſides eleven pieces of cannon, thirty-five ſtandards, four pair of kettle-drums, and five hundred waggons laden with ammunition; whereas the French loſt only one thouſand or eleven hundred men. The marquis de Fuquieres's account of this battle is as follows: "The action, ſays he, at Fridlinguen has been dignified with the name of a battle, though it was properly no more than a great engagement of foot and horſe, ſince both thoſe bodies fought ſeparately. The particulars are theſe: Marſhal de Villars having been detached with a body of troops from the king's main army in Alſatia, to defend a work raiſed for the ſecurity of the bridge of Hunningen, which the enemy ſeemed diſpoſed to attack, formed his camp on this ſide of Hunningen, and near enough to protect the outworks, and with a view to improve the enemy's decampment to the beſt advantage in his power, ſhould that incident happen. The enemy's forces were encamped in a plain, that extended between the Rhine and a mountain oppoſite to the work, that covered the bridge. Their left was near the territory of Baſil, and their right was ſtretched out towards the village of Fridlinguen, in the front of which was a large redoubt built ſince the war began, to ſecure the country againſt the excurſions of the garriſon of Hunningen. In this diſpoſition of our troops and thoſe of the enemy, M. de Villars was attentive to the manner in which the latter would decamp, when they ſhould be preparing for their winter quarters. The enemy neglected the neceſſary precautions, when they decamped, through a perſuaſion, that they might form that motion, without any apprehentions of being purſued in their retreat; and that they could foon be at a ſecure diſtance from an army, which muſt paſs the Rhine on a ſingle bridge, in order to be vigilant enough to incommode their rearguard. They likewiſe propoſed to march their foot on the riſing ground behind their camp, and the horſe were to advance on their right, and paſs through the defile of Fridlinguen, which was fronted by the redoubt abovementioned. When the enemy began to form their motion in the view of M. de Villars, his general gave orders for his army to paſs the Rhine; which they [illegible] poſſible expedition. After which he drew them in the ſame manner as he had ſeen the enemy's forces diſpoſed, when they began their retreat. The firſt marched under the command of M. Dellingſt to the [illegible]

port the reputation of it, aſſerted, they took Fridlinguen the next day, and, upon this occaſion, raiſed the marquis de Villars Anne. 1702.

foot were in motion; and, as theſe did not wheel about to oppoſe our forces, who aſcended the riſing ground with great difficulty, they ſoon beheld their rear-guard approached by our foot, who marched with ſuch immoderate vivacity, that they were obliged to halt, till they could recover breath. Had the enemy advanced to our battalions, while they were thus incapable of defending themſelves, they, in all probability, would have been victorious. But M. de Villars, who had entertained juſt apprehenſions of this inconvenience, marched thither in perſon, and gave the foot ſufficient time to form themſelves in order of battle, to receive our horſe, who, however, did not charge in a line: Our foot advanced very near those of the enemy in their retreat, but could not bring them to engage in front; and therefore it cannot be ſaid, that 'they 'were defeated.' The engagement between the horſe was much more deciſive, partly through the neglect of the officer, who commanded the enemy's troops, and partly through the prudence and capacity of M. de Magnac, who commanded the king's forces in this action. As the conduct of this general officer appears to me to have been very judicious and well concerted on this occaſion, I ſhall be as exact as poſſible in relating the particulars. I have already declared, that the plain, [illegible] the enemy had encamped, [illegible] linguen, the avenue to which formed a conſiderable defile fronted by a redoubt, where the enemy had planted cannon, and poſted a body of foot. The general officer, who commanded the enemy's horſe, imagined, when he began his march, that his troops would have ſufficient time to paſs the defile, before they could be overtaken by ours, who at that time had not compleated their paſſage over the Rhine. But he was deceived in his expectation by the vigour of our march, which was ſo extraordinary, that the enemy was obliged to recall thoſe of their troops, who had entered the defile, and to form themſelves in order of battle, to receive our horſe, who were advancing to charge them. This body of the enemy's horſe might have been diſpoſed in ſuch a manner, as to have had their right covered by the redoubt, and their left might have been ſupported by an incloſed country, that was impracticable for the horſe, who were at the bottom of the eminence, on which the enemy's foot purſued their march. The enemy, by this diſpoſition, might have formed three or four lines of battle, and have ſuſtained the charge of our horſe, whoſe left would have been expoſed to the fire of the foot and cannon of the redoubt, before they could be capable of engaging. M. de Magnac, by a motion peculiar to the genius of an experienced officer, effectually diſconcerted the diſpoſition, into which

Anne. 1702.

lars to the dignity of marſhal of France. But, prince Lewis of Baden being willing to let all the world know the contrary, and that this action had no ways diſconcerted his meaſures, he made three detachments from his army; one towards the Black Foreſt, to block up the paſſage into Bavaria; another, to attack Newburg; and a third, to reinforce the prince of Saxe Meiningen, who was obſerving the motions of count Tallard and the marquis de Lomaria. But, before this, he aſſembled all his troops, and being reinforced by general Thungen with fifteen hundred men, he formed ſo conſiderable an army, that he deſired nothing more than a ſecond engagement with Villars; and for that purpoſe advanced with his army, intending to attack him. But the marſhal, not thinking fit to wait his approach, repaſſed the Rhine, and ſo was diſappointed by this action of joining the elector of Bavaria.

Treves and Traerbach taken by the French. Broderick.

The latter end of October, count Tallard and the marquis de Lomaria, with a body of eighteen thouſand men, made themſelves maſters of Treves; and then advancing towards Traerbach, [illegible] a very ſtout

which the enemy m[illegible] have formed themſelves, [illegible] them loſe all the a[illegible] that would have reſ[illegible] it. When the troop[illegible] the point of action, [illegible] covered a ſeeming f[illegible] gage, and cauſed th[illegible] to file off behind the [illegible] if he intended to re[illegible] the greateſt precauti[illegible] enemy, elated at the[illegible] force, were perſuade[illegible] motion of M. de Magnac proceeded from his fear to begin an engagement with an ar[illegible] whom he only intended to [illegible] commode in their retreat, [illegible] he found their front engage[illegible] the defile; and upon this [illegible] ſumption they loſt the ad[illegible] tage of their diſpoſition. [illegible] general then advanced, a[illegible] the ſame time formed an [illegible] ing, to give his troops an [illegible] portunity of doubling the [illegible]

[illegible] ſecond line. This [illegible] [illegible]ed ſuch [illegible] But M. [illegible]ly improved this warmth of theirs to his own advantage. The moment the enemy had diſconcerted their order of battle, and, by extending their right, loſt the advantage of being protected by the fire from the redoubt, he charged them ſo opportunely, that he puſhed their firſt line [illegible]

reſiſtance. On the other ſide, the hereditary prince of Heſſe-Caſſel, marching from the grand army at Leige with nine thouſand Heſſians, and finding that the French had poſſeſſed themſelves of Zinch, Lintz, Briſac, and Andernach, retook thoſe places. The garriſon of Zinch ſurrendered themſelves priſoners of war; thoſe of Briſac quitted the place upon the prince's approach. But Andernach, being defended by a garriſon of four hundred men, a good wall, rampart, and mole, made a longer reſiſtance. However, the Heſſians having raiſed a battery, and poſſeſſed themſelves in the night of an advantageous poſt near one of the gates, in order to ſtorm the place the next morning, the enemy beat a parley, and the prince gave them leave to march out with their arms and baggage, but refuſed them the honour of any articles. He then marched away with two thouſand men to attack Lintz, but the French immediately quitted the place, and retired to Bonne.

The war in Italy. Burnet.

In Italy, the duke of Vendoſme began with the relief of Mantua, which was reduced to great extremities by the long blockade, which prince Eugene had kept about it, who had ſo fortified the Oglio, that the duke, apprehending the difficulty of forcing his poſts, marched through the Venetian territories, notwithſtanding the proteſtations of the republic againſt it, and came to Goito with a great convoy for Mantua. Prince Eugene drew his army all along the Mantuan Foſſa, down to Borgofort. He was forced to abandon a great many places; but apprehending that Berſello might be beſieged, and conſidering the importance of that place, he put a ſtrong garriſon into it. He complained much, that the court of Vienna ſeemed to forget him, and did not ſend him the reinforcements they had promiſed. And it was thought, that his enemies at that court, under colour of ſupporting the king of the Romans in his firſt campaign, were willing to neglect every thing, that related to him; by which means, the beſt army that the emperor ever had, was left to moulder away to nothing.

King Philip goes to Italy. Burnet.

King Philip of Spain took a very extraordinary reſolution of going over to Italy, to poſſeſs himſelf of the kingdom of Naples, and to put an end to the war in Lombardy. He arrived at Naples in April, and was received there with outward ſplendor, but made little progreſs in quieting the minds of that turbulent kingdom. Neither did he obtain the inveſtiture of it from the pope, though his holineſs had ſent thither a cardinal legate with a high compliment. This the [illegible] to the village of [illegible] much, while the French conſidered

Anno 1702.

ſidered it as not enough; however, upon it the emperor's ambaſſador left Rome. King Philip was conducted from Naples to Final by the French fleet, that had carried him from Barcelona to Naples. As he was going to command the duke of Vendoſme's army, he was met by the duke of Savoy, of whom there was ſome jealouſy, that having married his two daughters ſo greatly, he began now to diſcern his own diſtinct intereſt, which called upon him to hinder the French from being maſters of the Milaneſe. King Philip wrote to the duke of Vendoſme not to fight prince Eugene till he could join him. He ſeemed jealous, leſt that prince ſhould be driven out of Italy, before he could come to ſhare in the honour of it; yet, when he came, he could do nothing, though the prince was miſerably abandoned by the court of Vienna. Count Mansfield, preſident of the council of war, was much ſuſpected of being corrupted by the court of France: The ſupplies promiſed were not ſent to Italy: The apprehenſions they were under of the elector of Bavaria's declaring, ſome time before he did it, gave a colour to thoſe who were jealous of prince Eugene's glory, to detain the recruits and troops that had been promiſed him, for the emperor's own defence. But, though he was thus forſaken, the prince managed the force he had with great ſkill and conduct; and when he found that Luzzara, a caſtle near the Po, in the duchy of Mantua, was in danger, he marched with twenty-three thouſand men againſt the French and Spaniſh army, which conſiſted of about forty thouſand, commanded by king Philip and the duke of Vendoſme. He gave the ſignal of battle about ſeven in the evening, on the 15th of Auguſt, and then the artillery began to play upon the enemy. About half an hour after, the right wing of the imperialiſts charged the left of the French, and attacked them in their poſt, which extended itſelf along the banks of the Po; but without ſucceſs, for the prince of Commerci, who was extremely beloved, being killed on the ſpot, ſtruck the troops commanded by him with ſuch a conſternation, that three battalions and as many ſquadrons were put into diſorder by the enemy's fire, and the whole left of the cavalry, which charged the flank of the imperial horſe. But this confuſion was ſoon over, for the battalions and ſquadrons that gave ground, rallied again, and, ſeveral regiments advancing to their relief, they charged the enemy ſo vigorouſly, that they were driven from their poſt. And tho' the French king's Gens d'Armes made a very ſtout reſiſtance, and rallied four times in their retreat, yet they were charged

The battle of Luzzara. Aug. 15. Broderick. Hiſt. of Europe, Vol. VII. Burnet.

above a thouſand paces, from one intrenchment to another. The left wing fought with as great reſolution and intrepidity as the right; for general Guido de Staremberg, who commanded the infantry, began the attack with the grenadiers; and, though the enemy endeavoured to penetrate their flank with their carabineers, the imperialiſts ſtood their charge with ſuch extraordinary courage and firmneſs, and afterwards fell upon them with ſo much bravery, that they could no longer ſtand it, but were forced to retreat. Sometimes they rallied by favour of the ground, and the ſuperiority of their numbers; but, being repulſed three or four times, they were quite driven out of their poſts; and night put an end to the engagement. All the imperial officers and troops acquitted themſelves of their duty to admiration. The French pretended to the honour of the action, from the conſequence of it, having, the next day, made themſelves maſters of Luzzara, and in the remaining part of the campaign diſlodged the Germans from ſeveral ſmall poſts (a). But it muſt be owned

Anne. 1702.

(a) Father Daniel tells us, that prince Eugene claimed the victory, without any other reaſon, than that his army was not put to flight; and that he had five or ſix thouſand killed or wounded; wherens, on the ſide of the French, there were only between two or three thouſand killed or wounded. He obſerves likewiſe, that ſcarce any but the foot were engaged, by reaſon of the diſpoſition of the ground. The marquis de Feuquieres gives the following account of this battle: "After the action at the Croſtolo, the king's army marched to Luzzara, and the bridges which the enemy had on the Po with an intention to cut off all their communication with Mirandola and the Modeneſe. As they had ſeveral rivers and artificial canals to paſs, they began their march with all proper precaution, and in as many columns as they could poſſibly form. A body of horſe was ordered to advance before the army, to give intelligence of what they diſcovered. We had not received any information, that prince Eugene was in motion; and we believed him to be then in Seraglio, as he was when we approached him from Mantua. But this prince had paſſed the Po with the greateſt part of his army, and was then poſted between this river and the Zero, and ſo well covered by the dike of Zero, that we had no ſuſpicion of his being ſo near us with his army, becauſe, when our march was almoſt compleated, the officer who commanded the body of horſe that advanced before the army, had not the curioſity to aſcend this dike of Zero, behind which the emperor's whole army was drawn up. This negligence was too great in ſuch a con-

Anne. 1702. owned by the impartial, that the imperialists gained the advantage of the day, having driven the enemy above a thousand

juncture, and should serve as a warning for the prevention of the like inconvenience. When the king's forces, who continued their march, and consequently were still in columns, were preparing to enter their camp at Luzzara, they immediately beheld themselves under the fire of the enemy's foot, who had been regularly drawn up below the reverse of the dike, and only waited to ascend it, in order to fire. We were obliged therefore, upon our arrival at our camp, to form ourselves in order of battle, and engage the enemy. Several hedges rose between the front of the army and the dike, so that it was impossible for the lines to charge in front. The enemy, however, attempted, in several places, to advance up to our battalions, but without any success. The horse to our right had an open country before them, and they had some encounters, though with very little effect, because the enemy saw, that the attack in front would not be so successful as they could wish, and that the horse of our right, who, in their march, had advanced a little too far beyond the columns of foot, had at that time recovered their ground, and formed a line to the right of the foot. This battle therefore was fought without any apparent advantage on either side. Our army, however, incamped within cannon-shot of the enemy, without perceiving them, because they were posted behind the dike, and we intrenched our camp with an intention to make ourselves masters of Luzzara and Guastalla, which lay in the rear of our left; and we accordingly took those places, and consequently decided the advantage in our favour, since the enemy continued for several days in their post, without making any attempt to preserve Guastalla. This project was framed by prince Eugene, and would have been compleat in all its parts, had the execution proved as fortunate as the plan was judicious. And indeed the king's army was preserved in this conjuncture by a circumstance that was purely accidental, and which it was impossible for prince Engene to foresee. This circumstance was of such importance to our troops, that it merits a particular relation: The emperor's troops, as I have already observed, lay concealed behind the dike of Zero, and prince Eugene, who had not been discovered by the body of horse that marched before the rest of our forces, because they halted at the front of the camp, without extending their view any further, was now very near our army, who had not any suspicion of his situation. The prince therefore concluded, that our troops, upon their arrival at their post, would lay down their arms, and form their camp, and that the horse would afterwards march out to forage, while the foot would be [illegible]

land paces from the field of battle, and actually incamped upon it. They likewiſe made themſelves maſters of their ammunition and proviſion, a great number of their tents, and of all their pioneering inſtruments. Beſides, the enemy's loſs was not computed to be leſs than eight thouſand men; whereas, the number of the imperialiſts was not more than two thouſand ſix hundred and ſeventy-two killed and wounded. The event of this action alſo put the French to ſuch a ſtop, that all they could do, after this, was only to take a few inconſiderable places; while prince Eugene ſtill kept his poſts; and king Philip, at the end of ſo inglorious a campaign, returned into Spain, where the grandees were extremely diſguſted to ſee themſelves ſo much deſpiſed, and their affairs wholly conducted by French counſels. Anne. 1702.

The French tried this ſummer by all poſſible means to engage the Turks in a new war with the emperor; and it was The French try to engage the Turks in a war with the emperor. Burnet.

viding for their refreſhment; and, that if he improved this favourable opportunity, by advancing to the foot of our camp, he ſhould be able to ſeize all our arms, and a conſiderable number of our horſes, upon which the intire deſtruction of our army would have been inevitable. This project was conducted to the very point of execution, and prince Eugene was only waiting for the happy moment, when he was diſcovered by a mere effect of chance, time enough for our eſcape from the danger, and before the foot had diſperſed themſelves to provide for their accommodation. The accident to which we owed our preſervation, was this: The dike of Zero is not extended in a direct line, for, as it forms the canal, that flows from the Po above Seraglio, to another part of the ſame river at Rovero, it was neceſſary to make it correſpond with the level of the land; and it was carried on ſo near the front of our camp, that one of our adjutants thought it the moſt commodious poſt for a party of ſoldiers, who were to form the out-guard of the camp. This officer therefore, as he was advancing with his guard in order to ſtation them, had the curioſity to aſcend the dike, and to take a view of the country beyond it; and then ſaw all the enemy's foot lying with their faces to the oppoſite declivity of the dike, with all the horſe in the rear ranged in order of battle. This diſcovery alarmed our camp through the line, and they immediately caught up their arms to oppoſe the enemy, who, as I intimated before, were ſeparated from them by a tract of land covered with hedges, which obliged them to defile. But this diſcovery did not prevent them from advancing to us, in hopes of diſordering our line in ſo many different parts, that we ſhould be in no condition to render their deſign ineffectual. But they were defeated in their expectations, as I obſerved before, and were incapable of making up to any part of the front of our camp."

Anne. 1702. believed, that the grand vizir was intirely gained, though the mufti, and all who had any credit in that court, were againſt it. But, the grand vizir being ſtrangled, the deſign was prevented.

Affairs in Poland. Ibid.

The court of France was engaged likewiſe in another intrigue in Poland, where they made uſe of the cardinal primate to keep that kingdom ſtill imbroiled. The king of Sweden marched on to Cracow, which was much cenſured as a deſperate attempt, ſince a defeat there muſt have deſtroyed him and his army intirely, being ſo far from home. He attacked the king of Poland, and gave him ſuch an overthrow, that, though the army eſcaped, he made himſelf maſter both of their camp and artillery. He poſſeſſed himſelf of Cracow, where he ſtayed ſome months, till he had raiſed all the money they could produce; and, though the Muſcovites, with the Lithuanians, deſtroyed Livonia, and broke into Sweden, yet they could not draw him back. The duke of Holſtein, who had married his eldeſt ſiſter, was thought to have been gained by the French to puſh on this young king to proſecute the war with ſuch an unrelenting fury, in which he might have a deſign for himſelf, ſince the king of Sweden's venturing his own perſon ſo freely, might make way for his ducheſs to ſucceed to the crown. But that duke was killed in the battle of Liſſaw, near Cracow. There was ſome hopes of peace this winter; but the two kings of Poland and Sweden were ſo exaſperated againſt each other, that it ſeemed impoſſible to compoſe that animoſity. This was very unacceptable to the allies, for both kings were well inclined to ſupport the confederacy, and to engage in the war againſt France, if their own diſputes could have been adjuſted.

The Engliſh fleet ſent to Cadiz. Hiſt. of Europe, Vol. VII. Burnet.

Whilſt theſe things were tranſacting on the continent, the confederate fleet was not idle. It conſiſted of fifty ſhips of the line, thirty Engliſh and twenty Dutch; the Engliſh commanded by Sir George Rooke, having under him vice-admiral Hopſon, and the rear-admirals Fairborne and Graydon; the Dutch under the command of lieutenant-admiral Allemond, admiral Callenburgh, the vice-admirals Vandergoos and Pieterſon, and the rear-admiral Wallemar, with about fourteen thouſand land forces on board the tranſports, nine thouſand ſix hundred and ſixty-three Engliſh, and three thouſand nine hundred and twenty-four Dutch: The Engliſh commanded by Sir Henry Bellaſis, lieutenant-general; Sir Charles O Hara and lord Portmore, majors-general; and the colonels Seymour, Hamilton, and Matthews, brigadiers: And the Dutch, by major-general Sparre and brigadier

gadier baron Pallandt: The duke of Ormond had the ſupreme command of the whole. Sir George Rooke ſpoke ſo coldly of the deſign, which he went upon, before he ſailed, that thoſe who converſed with him, were apt to infer, that he intended to do the enemy as little harm as poſſible. On the 19th of June, the fleet weighed from Spithead, and came to an anchor at St. Helen's, in order to ſail with the next fair wind. Three days after, the rear-admirals Fairborne and Graydon were detached from thence with ſixteen men of war and two fireſhips, Engliſh, and a ſquadron of the Dutch, in all thirty ſail, upon a ſecret expedition; and, on the 23d, the prince of Heſſe d'Armſtadt ſailed in the Adventure frigate for Liſbon. Advice had been ſent over from Holland of a fleet, that ſailed from France under monſieur du Caſſe, and was ordered to call in at the Groyne. Sir John Munden was recommended by Sir George Rooke to be ſent againſt this fleet; and, though he came up with them with a ſuperior force, yet he did not hinder the French from getting into the Groyne, nor fight them there. Anne. 1702.

Upon his return therefore to St. Helen's, where he arrived on the 25th of June, a court-martial, of which Sir Cloudeſly Shovel was preſident, was appointed to try him. He was acquitted, ſome excuſing themſelves for their lenity to him, by alleging, that, if they had condemned him, the puniſhment was death; whereas they thought his errors flowed from a want of ſenſe; ſo that it would have been hard to condemn him for a defect of that which nature had not given him. But this acquittal raiſed ſuch a public clamour, that the queen ordered him to be broke.

Sir George Rooke, to divert the deſign, which he himſelf was to go upon, wrote from St. Helen's, that the Dutch fleet was victualled only to the middle of September; ſo that no great deſign could be undertaken, when ſo large a part of the fleet was ſo ill provided. When the Dutch admiral heard of this, he ſent to their ambaſſador, to complain to the queen of this miſinformation, for he was victualled to the middle of December. On the 1ſt of July, the confederate fleet ſet ſail from St. Helen's, ſteering their courſe for Cadiz; but they were for ſome time ſtopped by contrary winds, accidents, and pretences, many of which were thought to be ſtrained and ſought for; however, at laſt on the 12th of Auguſt, they came to anchor in the bay of Cadiz, about two leagues from that city. Sir George Rooke had laid no diſpoſition beforehand how to proceed upon his coming thither, and ſome days were loſt on pretence of ſeeking for intelli-

Anne. 1702. gence. It is certain, that our court had falſe accounts of the ſtate of the place, with regard both to the garriſon and the fortifications; the garriſon being much ſtronger, and the fortifications in a much better condition, than had been repreſented. The French men of war, and the gallies, that lay in the bay, retired within the puntals. In the firſt ſurprize, it had been eaſy to have followed them, and to have taken or burnt them, which Sir Stafford Fairborne offered to execute; but Sir George Rooke and the reſt of his creatures did not approve of it (b). Some days were loſt before a council of war was called. In the mean while, the duke of Ormond ſent ſome engineers and pilots to ſound the ſouth ſide of Cadiz near the iſland of St. Pedro; but, while this was doing, the officers, by the taking of ſome boats, came to know, that the inhabitants of Cadiz had ſent over the beſt of their goods and other effects to Port St. Mary's, an open village over-againſt it, on the continent of Spain; ſo that there was good plunder to be had eaſily; whereas the landing on the iſle of Cadiz was like to prove dangerous, and, as ſome made them believe, impracticable. In the council of war, in which their inſtructions were read, it was propoſed to conſider, how they ſhould put them in execution. General O Hara made a long ſpeech againſt landing; ſhewing, how deſperate an attempt it would prove, and how different they found the ſtate of the place from the repreſentations made of it in England. The greater number agreed with him, and all that the duke of Ormond could ſay to the contrary was of no effect. Sir George ſeemed to be of the ſame mind with the duke, but all his dependants were of another opinion; ſo that this was thought a piece of craft in him. In concluſion, the council of war came to a reſolution not to make a deſcent on the iſland of Cadiz; but, before they broke up, thoſe whom the duke had ſent to ſound the

(b) Fairborne propoſed the ordering a ſquadron of ſhips, before the fleet came in ſight of Cadiz, to puſh through the entrance of the harbour, without coming to an anchor at all, which he offered to undertake. Had this advice been followed, they might, in the firſt ſurprize of the Spaniards, have deſtroyed at leaſt their ſhipping, if not taken the place; but, it being not thought adviſeable to make ſuch an attempt, the Spaniards had not only the leiſure, while the fleet lay in view, of ſinking veſſels in the very entrance of the harbour, whereby the paſſage was rendered impracticable, but to put themſelves into a much better condition of defending the city itſelf, than they would otherwiſe have been. Burchet, p. 622.

land-

landing-places on the ſouth ſide, came and told them, that, as they might land ſafely, ſo the ſhips might ride ſecurely on that ſide. Yet they had no regard to this, but adhered to their former reſolution, nor were there any orders given for bombarding the town. The ſea was for the moſt part very high, while they lay there; but it was ſo calm for one day, that the engineers believed they could have done much miſchief, but they had no orders for it; and indeed it appeared very evidently, that they intended to do nothing but plunder Port St. Mary's; a deſign, which was directly contrary to the advice of Mr. Methuen, the Engliſh envoy in Portugal, who, in a letter to the duke of Ormond from Liſbon of the firſt of Auguſt, told him, "That the point of the "greateſt importance was to inſinuate to the Spaniards, "and ſhew by his proceedings, that he came not as an "enemy to Spain, but only to free them from France, and "give them aſſiſtance to eſtabliſh themſelves under the go-"vernment of the houſe of Auſtria." However, the land-forces, being ſet aſhore in the Bay of Bulls, made themſelves maſters of Rota, Fort St. Katharine, and Port St. Mary, which they found deſerted, but full of riches, which were immediately plundered; ſome of the general officers ſetting a very ill example to all the reſt, eſpecially O Hara and Bellaſis. The duke of Ormond tried to hinder this, but did not exert his authority; for, if he had made ſome examples at firſt, he might have prevented the miſchief that was done. But, the whole army running ſo violently on the ſpoil, he either was not able, or, through a gentleneſs of temper, not willing to proceed to extremities. He had publiſhed a manifeſto, according to his inſtructions, by which the Spaniards were invited to ſubmit to the emperor; and he offered his protection to all that came in to him. But the plundering of St. Mary's was thought an ill commentary on that text. After ſome days of unſucceſsful attempts on the forts of that ſide, particularly Matagorda, it appeared, that nothing could be done; and, proviſions now growing ſcarce, and the ſea officers repreſenting the danger of ſtaying any longer in thoſe ſeas, the duke of Ormond, though not without great reluctance, conſented to the re-embarking of the land-forces. Some of the ſhips crews were ſo employed in bringing off and beſtowing the plunder, that they took not the neceſſary care to furniſh themſelves with freſh water. Sir George Rooke, without proſecuting his other inſtructions, in caſe the deſign on Cadiz failed, gave orders only for a ſquadron to ſail to the Weſt-Indies, with ſome land-forces,

Anne. 1702.

Anne. 1702.

and though he had a fleet of victuallers, that had proviſions to the middle of December, he ordered them to ſail home; by which means the men of war were ſo ſcantily furniſhed, that they were ſoon forced to be put on ſhort allowance. Nor did he ſend advice-boats, either to the ports of Algarve or to Liſbon, to ſee what orders or advices might be lying there for him, but ſailed in a direct courſe for England (c).

The galleons taken and burnt at Vigo. Boyer. Burnet.

Some time before this, the news of the arrival of the French ſquadron, under monſieur Chateau-Renault, with the Spaniſh galleons, in the harbour of Vigo, being brought to England, orders were immediately diſpatched to Sir George Rooke, to attempt the taking or deſtroying them; and Sir Cloudeſly Shovel was ordered upon the ſame deſign, with another ſquadron of men of war. But, before theſe orders could reach the grand fleet, Sir George Rooke, in his return towards England, having, on the 22d of September, ſent the Eagle, Sterling-Caſtle, and Pembroke, to water in Lagos-bay, Mr. Beauvoir, the chaplain of the Pembroke, went aſhore in the town of Lagos, and meeting with a gentleman in the ſtreet, whom, by ſeveral circumſtances, he judged to be no Portugueſe, he accoſted him in French: which the other, who proved to be the French conſul, returning in a very obliging manner, invited him to his houſe. Mr. Beauvoir, extremely willing to embrace this offer, continued there two nights; during which, the conſul, in their ſeveral converſations, could not forbear to boaſt of his maſter's ſtrength at ſea, and at laſt gave ſome hints of the arrival of the galleons on that coaſt. On the 24th, Mr. Beauvoir being ready to embark, and underſtanding that a gentleman was arrived in that town bound for the fleet, with letters to the prince of Heſſe and Mr. Methuen (who were gone from the fleet to Liſbon ſome time before) he invited him to go aboard the Pembroke, without taking the leaſt notice of their departure. The gentleman having gladly accepted this invitation, and told him, juſt as they were leaving the ſhore,

(c) Thus ended (ſays biſhop Burnet) the expedition againſt Cadiz, which was ill projected, and worſe executed. The duke of Ormond told him, he had not half the ammunition that was neceſſary for the taking Cadiz, if the Spaniards had defended themſelves well: Tho' he believed, they would not have made any great reſiſtance, if he had landed on his firſt arrival, and not given them time to recover from the diſorder into which the firſt ſurprize had put them. Burnet, Vol. II. p. 333.

that

that monſieur Chateau-Renault was arrived at Vigo with thirty men of war, and twenty-two galleons, and that he was ſent by the imperial miniſter to the grand fleet, they went together on board the Pembroke, where captain Hardy, her commander, being informed, as well by Mr. Beauvoir of what he had gathered from the French conſul, as by the other gentleman, concerning what he knew of the matter, he ſet ſail the next morning in queſt of the grand fleet, which at laſt he met with on the 6th of October. Having imparted his intelligence to the Engliſh admiral, Sir George communicated the ſame to the Dutch; and it was reſolved to attempt the deſtroying of the French and Spaniſh ſhips at Vigo (d). Accordingly, the fleet came to an anchor on the 11th, againſt that place, almoſt unperceived by the enemy, by reaſon of the hazy weather; and, finding that the French and Spaniſh ſhips were carried up beyond a narrow ſtreight, defended by a caſtle, beſides a ſtrong boom about it, made with maſts, cables, and chains, it was reſolved in a council of war: That, ſince the whole fleet could not ſafely go up to the place, where the enemy's ſhips lay, a detachment of fifteen Engliſh and ten Dutch men of war, with all the fire-ſhips, frigates, and bomb-veſſels, ſhould go upon that ſervice, with all the flag-officers aboard them, whilſt part of the land-forces were to make a deſcent, and to attack the fort on the ſouth ſide of Rodondela, a ſmall fiſhing-town (e).

Anne. 1702.

Purſuant to this reſolution, the duke of Ormond, having, on the 12th of October, landed two thouſand five hundred men two leagues from Vigo on the ſouth ſide of the river, without the leaſt oppoſition, he ordered the grenadiers to advance to the fort at the entrance of the harbour; which they

(d) Biſhop Burnet obſerves (Vol. II. 332) Sir George Rooke, upon receiving the intelligence, was ſaid to ſteer his courſe towards Vigo very unwillingly, but finding it true, reſolved to force his way in.

(e) The Engliſh ſhips were, the Mary, Grafton, Torbay, Kent, Monmouth, Berwick, Eſſex, Swiftſure, Ruthelagh, Somerſet, Bedford, Cambridge, Northumberland, Oxford, Pembroke; the Aſſociation and Baſſeur were to batter the forts on each ſide. The admirals removed the flags from the great ſhips into third rates, the firſt and ſecond rates being too big to go in: Sir George Rooke went out of the Royal Sovereign into the Somerſet; admiral Hopſon, out of the Prince George into the Torbay; admiral Fairborne, out of the St. George into the Eſſex; and admiral Graydon out of the Triumph into the Northumberland.

did

Anne. 1702.

did with ſuch chearfulneſs and reſolution, that. having made themſelves maſters of a platform of thirty-eight pieces of cannon, they purſued the French to the very gates of the caſtle or ſtone tower, and attacked them ſo vigorouſly, that monſieur Sorel, their commander, deſpairing of holding the place, attempted to fight his way through the Engliſh ſword in hand. But no ſooner had they opened the gate, than the grenadiers ruſhing in made themſelves maſters of the caſtle, and took three hundred French ſeamen and fifty Spaniards priſoners. Whilſt theſe things were tranſacting aſhore, the ſquadron deſigned for this expedition advanced briſkly towards the boom, and, after a little ſtop by a calm, vice-admiral Hopſon, in the Torbay, broke, amidſt the enemy's fire, through the boom, where he received ſeveral broad-ſides from the Bourbon and l'Eſperance (f), two French men of war placed within the boom. The reſt of vice-admiral Hopſon's diviſion, and that of the Dutch vice-admiral Vandergoes, bearing at the ſame time upon the bottom, were becalmed, and conſequently ſtruck, ſo that they were forced to cut their way through it, except their admiral, who hit the ſame paſſage by which vice-admiral Hopſon had entered before. Hopſon, in the mean time, being boarded by a fire-ſhip, was in great danger of being burnt, had not the fire-ſhip been blown up too ſoon; notwithſtanding which, he received conſiderable damage in his rigging, and many of his men, during the firſt conſternation, threw themſelves overboard, in hopes to ſave themſelves, but were moſt of them drowned, whilſt the reſt behaved ſo well as to preſerve the ſhip. The French admiral ſeeing the boom cut to pieces, the platform and caſtle in the enemy's hands, the Bourbon taken, and the whole confederate ſquadron ready to fall in among them, ordered his own ſhip to be ſet on fire; and his example being followed by all the reſt, afforded a moſt dreadful ſpectacle to the Spaniards as well as to the French. Whilſt they were thus buſied in the deſtruction of their own fleet, the Engliſh were as careful in preſerving it, not without ſome ſucceſs; ſeveral, as well of the men of war as of the galleons, being taken, four by the Engliſh, and five by the Dutch; but the reſt were burnt, with ſeven [illegible] men of war (g). What made

(f) Or the Hope, which had been taken from the Engliſh.

(g) The account of the French ſhips taken, burnt, and run aſhore:

Ships burnt.	Num. of guns.
Le Forte	76
L'Enflame	

made this victory the more conſiderable, was its being gained with inconſiderable loſs; there being not above forty men killed, and ten wounded, of the landmen in this action, and very few of the ſeamen, except thoſe that were drowned of vice-admiral Hopſon's ſhip. As to the cargo aboard this fleet, which was computed at twenty millions of peices of eight in gold and ſilver, beſides merchandizes, about fourteen millions of it were taken out before by the enemy; the reſt was either taken by the Engliſh or Dutch, or left in the galleons, that were ſunk or burnt. The goods were valued at twenty millions of pieces of eight more, of which one fourth part only was ſaved by the enemy, near two fourths deſtroyed, and the reſt taken by the confederates, beſides a great quantity of plate, and other rich commodities, concealed for the uſe of private perſons in the galleons, and a great deal of other plate belonging to the French officers found at Rodondela, of which the duke of Ormond took poſſeſſion the next morning, and in which much other plunder was found. The French ſeamen and ſoldiers eſcaped, for the Engliſh, having no horſe, could not purſue them. The Spaniards appeared at ſome diſtance in a great body, but they did not offer to enter into any action with the duke of Ormond: And it appeared, that the reſentment of that proud nation, which was now governed by French counſels,

Anne 1702.

Ships burnt.	Num. of guns.
L'Enflame	64
Le Prudent	62
Le Solide	56
Le Dauphin	46
L'Entreprenant	22
Le Choquant	8
Le Favori, a fireſhip	
8 Advice-boats.	
Ships 8.	Guns 334.

Taken by the Engliſh and brought home.

Ships.	Guns.
Le Promp	76
Le Firme	72
L'Eſperance	70
L'Aſſurée	66
Ships 4.	Guns 284.

Taken by the Dutch.

Ships.	Guns.
Le Bourbon	68
Le Superbe	70
Le Sirenne	60
Le Modore	56
Le Voluntaire	46
Le Triton	42
Ships 6.	Guns 342.
Tot. Ships 18.	Guns 960.

Six galleons were taken by the Engliſh, and five by the Dutch, who ſunk ſix.

was

Anne 1702. was ſo high, that they would not put themſelves in any danger, or to any trouble, even to ſave their own fleet, when it was in ſuch hands.

After this great ſucceſs, it came under conſultation, whether it was not adviſeable to leave a good ſquadron of ſhips with the land-forces, to winter at Vigo, ſince the neighbourhood of Portugal could ſupply them with proviſions and all other neceſſaries, and this might encourage that king to declare himſelf, when there was ſuch a force and fleet lying ſo near him; and it might likewiſe encourage ſuch Spaniards as favoured the emperor, to declare themſelves, when they ſaw a ſafe place of retreat, and a force to protect them. Upon theſe conſiderations, the duke of Ormond offered to ſtay, if Sir George Rooke would have conſented; but he excuſed it, alledging, that he had ſent home the victuallers with the ſtores, and therefore could not ſpare what was neceſſary for ſuch as ſhould ſtay there. And indeed he had ſo ordered the matter, that he could not ſtay long enough to try whether they could raiſe and ſearch the men of war and galleons that were ſunk; and he was obliged to make all poſſible haſte home, for, if the wind had turned to the eaſt, which was uſual in that ſeaſon, a great part of the ſhips crews muſt have periſhed with hunger.

On the 16th of October, Sir Cloudeſly Shovel having joined the confederate fleet with twenty-nine ſail, the land-forces re-imbarked the next day; and, on the 19th, Sir George Rooke and vice-admiral Hopſon, with ten men of war, ſet ſail for England, leaving Sir Cloudeſly Shovel with the reſt near Vigo, to deſtroy the enemy's ſhips that were ran aſhore; which being effected, he alſo ſteered his courſe for England, where the fleet arrived (after being ſeparated by a ſtorm at the entrance of the channel) on the 17th of November. Ten days before, Sir George Rooke, with his ſquadron, came into the Downs, and the ſame day, at four in the afternoon, the duke of Ormond landed at Deal, and having given the neceſſary orders for the landing and quartering the forces, went that night to Canterbury, and arrived at London the next day, being received with great marks of favour by the queen, and with the loud acclamations of the people; the ſucceſs at Vigo having ſilenced the clamours about the miſcarriages before Cadiz. The queen gave likewiſe a noble gratuity to the lord Shannon and captain Thomas Hardy, who were ſent expreſs by the general and admiral with the firſt account of their proſperous attempt; and the captain, beſides a preſent of a thouſand guineas, had the honour

honour of knighthood. On the other hand, Sir Henry Bellasis and Sir Charles O Hara were, by her majesty's orders, put under arrest, for having by their example, promoted and encouraged the plundering of Port St. Mary's; but, upon the report of the generals appointed to examine into that matter, Bellasis only was found guilty, and dismissed from her majesty's service; and Sir Charles O Hara was cleared, and his suspension taken off. A proclamation was also issued out, some time before, for discovery and recovery of all such goods, plate, and other effects, as, contrary to her majesty's and the duke of Ormond's express commands, were plundered or embezzled at Port St. Mary's, and from the galleons taken at Vigo, and put on board her majesty's men of war and other vessels. But this proclamation had little or no effect, so that the public was not much inriched by this extraordinary capture, though the loss which the enemy sustained by it was a vast one; and, to compleat the ruin of the Spanish merchants, their king seized on the plate which was taken out of the ships upon their first arrival at Vigo. Anne. 1702.

Thus ended the campaign very happily for the allies, and most gloriously for the queen; whose first year, being such a continued course of success, gave a hopeful presage of what might be hereafter expected.

The parliament of England was in course to determine six months after the death of the late king; but, before that time expired, the queen thought fit to exert her royal prerogative, and to issue out a proclamation, on the second of July, for dissolving this present parliament, and declaring the speedy calling another to be holden at Westminster, the 20th of August next; but afterwards prorogued to the 8th of October, and at last, to the 23d of that month. Her majesty did not openly interpose in the elections, though, her inclinations to the Tories plainly appearing, all people took it for granted, that she wished they might be the majority. This wrought on the inconstancy and servility that is natural to multitudes; and the conceit, which had been infused and propagated with much industry, that the Whigs had charged the nation with great taxes, of which a large share had been devoured by themselves, had so far turned the tide, that the Tories, in the house of commons, were at least double the number of the Whigs (h). The parliament dissolved and a new one called. Burnet.

On

(h) On the 6th of July the count de Platens, envoy extraordinary

Anne. 1702. On Wedneſday, the 20th of October, the new parliament met, and, the commons having choſen Robert Harley, Eſq; their ſpeaker, the queen made the following ſpeech to both houſes:

The parliament meets. Oct. 20.

ordinary from the elector of Hanover and Zell, had his public audience, both of the queen and the prince; and, about the ſame time, ſhe made ſome promotions in the army, and diſpoſed of ſeveral places and preferments. Among others, the earl of Ranelagh was made receiver and paymaſter-general of her majeſty's forces; William Blathwayte, Eſq; ſecretary of war; and the lord Walden commiſſary-general of the muſters; the duke of Somerſet was made maſter of the horſe, in the room of the earl of Pembroke, who was appointed lord preſident of the council; the lord Wharton's patent of warden and chief juſtice in eyre of all the foreſts on this ſide the Trent, was revoked; the duke of Newcaſtle was made warden of the foreſt of Sherwood in the county of Nottingham. And, upon the 19th of July, the queen in council, made an order againſt the ſelling of offices and places in the houſhold and family.

Prince George of Denmark, being very much indiſpoſed this ſummer with his uſual aſthma, was adviſed by his phyſicians to go to Bath, where the queen reſolved to attend him. They ſet out, the 26th of Auguſt, from Windſor, and lay the firſt night at Oxford. The Queen was next day preſent in convocation, when the univerſity-orator congratulated her arrival among them; and many of the nobility and perſons of quality were made doctors of law. From the convocation, the queen went to the theatre, where ſhe was entertained with a concert of muſic, and the rehearſal of ſeveral pieces of poetry; and afterwards, with a ſplendid banquet by the univerſity. Having accepted the uſual preſents of a bible, a common-prayer-book, and a pair of gloves, the queen and prince took coach for Cirenceſter, where they lay that night, and the next day reached Bath. They were met by the high-ſheriff and gentlemen on the borders of the county of Somerſet; and, within half a mile of the city, by two hundred maidens, richly dreſſed, and carrying bows and arrows like amazons; and at the weſt-gate of the city, by the mayor and corporation, in their formalities, who attended them to the Abbey-houſe, which was prepared for their reception. The queen likewiſe, on the 3d of September viſited the city of Briſtol, upon an invitation from the magiſtrates; and, on the 25th of that month, gave a private audience at Bath to the baron de Widman, envoy-extraordinary from the elector of Bavaria; and on the 8th of the next month, left that place, and returned to Windſor on the 10th, and to St James's on the 15th, where they received the compliments of the lord-mayor and aldermen of London, upon their late return.

"My

" My lords and gentlemen,

" IT is with great ſatisfaction I meet this parliament, " which I have ſummoned to aſſiſt me, in carrying on the " juſt and neceſſary war, in which we are engaged. I have " called you together as early as was conſiſtent with your " convenience in coming out of your ſeveral counties; and " I aſſure myſelf of ſuch evidences of your affections to me, " and your zeal for our common cauſe, as will not only give " ſpirit and forwardneſs to our own preparations, but ſuch " example and encouragement to our allies, as, by God's " bleſſing, cannot fail of a good effect, for the advantage of " the whole confederacy. The queen's ſpeech to both houſes. Pr. H. C. III. 203.

" I have met with ſo many expreſſions of joy and ſatisfaction in all the counties, through which I have lately " had occaſion to paſs, that I cannot but look upon them as " true meaſures of the duty and affection of the reſt of my " ſubjects.

" Gentlemen of the houſe of commons,

" I muſt deſire you to grant me ſuch ſupplies, as will enable me to comply both with our particular treaties and " engagements already made, and ſuch others as may be neceſſary for the encouragement of our allies, and the proſecuting the war where it ſhall moſt ſenſibly affect our " enemies, and be moſt effectual for diſappointing the boundleſs ambition of France.

" And, that my ſubjects may the more chearfully bear the neceſſary taxes, I deſire you to inſpect the accounts of " the public receipts and payments; and, if there have been " any abuſes or miſmanagements, I hope you will detect " them, that the offenders may be puniſhed, and others be " deterred by ſuch-like examples from the like practices. I " muſt obſerve to you, with ſome concern, that the funds " given by the laſt parliament, have, in ſome meaſure, fallen ſhort of the ſums propoſed to be raiſed by them; and " though I have already paid and applied to the public ſervice the hundred thouſand pounds, which I promiſed to " the laſt parliament, yet it has not ſupplied that deficiency.

" My lords and gentlemen,

" I cannot, without much trouble, take notice to you of " the diſappointment we had at Cadiz. I have not yet had

" a

Anne 1702.

"a particular account of that enterprize, nor of all the difficulties our forces may have met with there. But I have had "such a repreſentation of diſorders and abuſes committed at "Port St. Mary's, as hath obliged me to give directions for "the ſtricteſt examination of that matter.

"I am earneſtly deſirous, for all our ſakes, that this may "prove a ſhort ſeſſion. However, I hope you will find time "to conſider of ſome better and more effectual method to "prevent the exportation of wool, and to improve that ma-"nufacture, which is of ſo great conſequence to the whole "kingdom. On my part, nothing ſhall be omitted for its "encouragement.

"I am firmly perſuaded, that the love and good affection "of my ſubjects is the ſureſt pledge of their duty and obe-"dience; and the trueſt and juſteſt ſupport of the throne. "And as I am reſolved to defend and maintain the Church "as by law eſtabliſhed, and to protect you in the full en-"joyment of all your rights and liberties; ſo I rely upon "your care of me. My intereſts and yours are inſeparable; "and my endeavours ſhall never be wanting to make you "all ſafe and happy."

Addreſs of thanks by the lords.

The lords returned the uſual addreſs of thanks, congratulating the glorious ſucceſs of her arms, and thoſe of her allies, under the command of the earl of Marlborough; but the commons, who were met full of prejudice againſt the memory of king William, and of reſentment againſt thoſe employed by him, ſhewed the firſt inſtance of this diſpoſition in their addreſs to the queen, which was as follows:

"Moſt gracious ſovereign,

The commons addreſs. Pr. H. C. III. 204.

"WE your majeſty's moſt dutiful and loyal ſubjects, "the commons in parliament aſſembled, do beg "leave to lay before your majeſty our moſt humble and "hearty thanks for your moſt gracious ſpeech from the "throne; which gives us ſuch inſtances of your ma-"jeſty's tender concern for your people, and of your in-"tire confidence in their affections, as muſt engage "them to make your majeſty the utmoſt returns of duty "and gratitude.

"It is great condeſcenſion in your majeſty to take "notice in ſo public a manner of the expreſſions of joy "and ſatisfaction, with which your majeſty was received

in

" in all the countries through which you had occaſion lately to paſs. All your ſubjects have already received ſo many benefits under the influence of your majeſty's happy government, that your majeſty muſt have met with the like in any other part of your dominions, that you had honoured with your royal preſence. Anne. 1702.

" The late diſappointment at Cadiz does the more affect us, becauſe it gives your majeſty ſo much trouble. But this misfortune cannot make us forget, that the protection and ſecurity of our trade, the vigorous ſupport of your majeſty's allies, and the wonderful progreſs of your majeſty's arms, under the conduct of the earl of Marlborough, have ſignally RETRIEVED the antient honour and glory of the Engliſh nation.

" After your majeſty's repeated aſſurances, we neither doubt of the full enjoyment of all our rights and liberties, nor of your majeſty's defending and maintaining the church as by law eſtabliſhed. Your majeſty has been always a moſt illuſtrious ornament to this Church, and have been expoſed to great hazards for it. And therefore we promiſe ourſelves, that, in your majeſty's reign, we ſhall ſee it perfectly reſtored to its due rights and privileges, and ſecured in the ſame to poſterity; which is only to be done by diveſting thoſe men of the power, who have ſhewn they want not the will to deſtroy it.

" The proſpect of theſe bleſſings, and your majeſty's deſire to have the accounts of the public receipts and payments inſpected, and to have any abuſes and miſmanagements thereof puniſhed, will very much endear your majeſty to your people, and encourage us moſt chearfully to aſſiſt your majeſty with thoſe ſupplies, that may effectually enable your majeſty to make good ſuch alliances, as ſhall be neceſſary to proſecute the war, where it ſhall moſt ſenſibly affect your enemies, and thereby diſappoint the boundleſs ambition of France.

" Your majeſty may ſafely rely upon the care of your faithful commons. The value you are pleaſed to ſet upon the love and affection of your ſubjects, is the higheſt obligation that can be laid on them, to give your majeſty pledges thereof in their duty and obedience. They are, and ſhall always be ſenſible, that your majeſty's intereſts and theirs are inſeparable; and, as they gratefully acknowledge your majeſty's great deſigns to make them ſafe and happy, ſo their prayers and ſincereſt endeavours

Anne. 1702. "shall never be wanting to make your majesty's reign more "prosperous and more glorious than any of your majesty's "royal predecessors."

Debate about the word Retrieved. Burnet.

The word Retrieved, in this address, implying, that the honour of the nation had been lost, occasioned a warm debate. All, who had a just regard for king William, insisted upon the word Maintained instead of it, alledging, that Retrieved was a reflection on the late king's memory, who, instead of losing, had carried the honour of the nation farther than had been done in any reign before his: That to him they owed their preservation, their safety, and even the queen's being on the throne. That he had designed and formed that great confederacy, at the head of which her majesty was now set. In opposition to this it was urged, that, during his reign, things had been conducted by strangers, and trusted to them; and that a vast treasure had been spent in unprofitable campaigns in Flanders. The partition-treaty, and every thing else, with which his reign could be loaded, was brought into the account; and the keeping of the word Retrieved, in the address, was carried by a majority of one hundred and eighty voices against eighty; all who had any favour at court, or hoped for any, voting for it (a).

Partiality in judging controverted elections. Burnet.

The strength of the Tory-party, in the house of commons, appeared not only from this, but also from all the controverted elections being determined in their favour, with such an open partiality, that it shewed the party to be resolved

(a) Mr. Walsh, at that time knight of the shire for Worcestershire (called by Dryden 'the greatest critic of the age) composed, on this occasion, the following verses, in a poem, called 'the Golden Age,' in allusion to Virgil's fourth eclogue:

"Now all our factions, all our fears shall cease,
And Tories rule the promis'd land in peace;
Malice shall die, and noxious poison fail;
Harley shall cease to trick, and Seymour cease to rail.
The lambs shall with the lions walk unhurt,
And Halifax with How meet civilly at court.
Vice-roys *, like providence, with distant care,
Shall govern kingdoms, where they ne'er appear.
Pacific admirals, to save the fleet,
Shall fly from conquest, and shall conquest meet.
Commanders shall be prais'd at WILLIAM's cost,
And honour be RETRIEV'D before 'tis lost.

* Earl of Rochester.

upo

upon every thing that might ſerve their ends. Of this there were two remarkable inſtances. The one was of the borough of Hindon near Saliſbury; in which, upon a complaint of bribery, the proof was ſo full and clear, that they ordered a bill to diſfranchize the town for that bribery; and yet, becauſe the bribes were given by a man of their party, they would not paſs a vote on him as guilty of it; ſo that a borough was voted to loſe its right of electing, becauſe many in it were guilty of a corruption, in which no man appeared to be an actor. The other was of more importance. Mr. John How ſtood for knight of the ſhire for Glouceſterſhire, and had drawn a party in that county to join with him in an addreſs to the queen, in which reflections were made on the danger and ill uſage, which her majeſty had gone through in the former reign. This addreſs was received by the queen in ſo particular a manner, that it looked like owning the contents thereof to be true; but ſhe made ſuch an excuſe for this, when the offence it gave was laid before her, that probably ſhe was not acquainted with the matter of the addreſs, when ſhe ſo received it. Upon this, great oppoſition was made to Mr. How's election; and, when it came to the poll, it appeared that he had loſt it. The ſheriff was then moved for a ſcrutiny, to examine, whether all thoſe, who had ſworn, that they were freeholders of forty ſhillings a year, had ſworn true. By the act of parliament the matter was referred to the parties oath, and their ſwearing falſely was declared perjury; therefore ſuch, as had ſworn falſely, were liable to a proſecution: But, by all laws, an oath is looked upon as an end of controverſy, till he, who ſwore, is convicted of perjury; and the ſheriff, being an officer named by the court, if he had a power to review the poll, this put the election of counties wholly in the power of the crown. Yet, upon this occaſion, the heat of a party prevailed ſo far, that they voted Mr. How duly elected. Anne. 1702.

The houſe of commons very unanimouſly, and with great diſpatch, agreed to all the demands of the court, and voted all the ſupplies that were neceſſary for carrying on the war (b). Supplies granted.

On

(b) The commons voted forty thouſand ſeamen, and that the proportion of forces for England, to act in conjunction with thoſe of the allies, be thirty-three thouſand foot, and ſeven thouſand horſe and dragoons; and that three hundred and fifty thouſand pounds be granted for guards and garriſons for the year 1703; they alſo voted ſeventy thouſand nine hundred and ſeventy-three pounds for ordnance, eight hundred and

Anne. 1702. On the lord-mayor's day, the queen dined at Guild-hall, and conferred the honour of knighthood on ſeveral perſons (c). The next day, the lord Shannon brought the news of the ſucceſs at Vigo; and, four days after, the queen acquainted the commons, that, having appointed the 12th of November for a day of thankſgiving, for the ſignal ſucceſs of her arms under the earl of Marlborough and the duke of Ormond, and of her fleet under Sir George Rooke, ſhe intended to go to St. Paul's church, and had given orders for providing convenient places in the church for the members of that houſe, as well as for the houſe of lords. At the day appointed, the queen went in great ſtate to St. Paul's, attended by both houſes of parliament. The duke of Ormond, happening to be the ſtaff-officer in waiting, rid in one of the queen's coaches, with the duke of Somerſet, and received the loud acclamations of an infinite number of ſpectators, with which he ſeemed pleaſed; and from that day may be dated the great popularity which he afterwards acquired, and which, in the end, proved fatal to him. The next day, the houſe of lords returned him thanks for his ſervices performed at Vigo; and, at the ſame time reſolved to addreſs the queen, to order the duke of Ormond and Sir George Rooke to lay before them an account of their proceedings, which was done. The commons alſo voted thanks to the duke and Sir George, and admiral Hopſon was knighted, and a penſion of five hundred pounds a year was ſettled on him by the queen, with a reverſion of three hundred pounds a year for his wife.

The queen dines at Guildhall.

A thankſgiving appointed. Nov. 12.

Proceedings againſt the biſhop of Worceſter. Nov. 18. Pr. H. C. III. 209.

At the beginning of the ſeſſion, Sir John Packington had exhibited a complaint againſt the biſhop of Worceſter and his ſon Mr. Lloyd, for endeavouring to prevent his election. When this complaint was conſidered by the houſe of commons, and the evidence heard, it was unanimouſly reſolved, "That it appeared to the houſe, that the proceedings of "William lord biſhop of Worceſter, his ſon, and his agents, "in order to the hindering the election of a member of the "county of Worceſter, had been malicious, unchriſtian, and "arbitrary,

thirty three thouſand eight hundred and twenty-ſix pounds for the pay of the land-forces, and fifty-one thouſand eight hundred and forty-three pounds for ſubſidies to the allies.

(c) Gilbert Heathcote, Eſq; Francis Daſhwood, Eſq; the lord-mayor's brother, Richard Hoar, Eſq; and Mr. Eaton, linen-draper in Cheapſide, over-againſt Bow-church, in whoſe balcony there was a ſtately canopy erected, and her majeſty ſate under it, while the ſhow paſſed by.

" arbitrary, in high violation of the liberties and privileges Anne.
" of the commons of England: That an addreſs be preſented 1702.
" to her majeſty, to remove the biſhop from being lord almo-
" ner;" and they ordered the attorney-general to proſecute Mr. Lloyd, the biſhop's ſon, for his offences, after his privilege, as a member of the lower houſe of convocation, was expired.

The lords, alarmed at theſe proceedings of the commons, againſt a member of their houſe, agreed upon the following addreſs to the queen, " That it was the undoubted right of " every lord of parliament, and of every ſubject of England, " to have an opportunity of making his defence, before he " ſuffers any ſort of puniſhment; and therefore humbly de- " ſired her majeſty, that ſhe would be pleaſed not to remove " the lord biſhop of Worceſter from the place of lord almo- " ner, nor to ſhew any mark of her diſpleaſure towards him, " till he be found guilty of ſome crime by due courſe of law." This addreſs being preſented to the queen, ſhe returned anſwer, " That ſhe agreed, that every peer and lord of parlia- " ment, and indeed every other perſon, ought to have an " opportunity of being heard to any matters objected againſt " him, before he be puniſhed. That ſhe had not yet received " any complaint of the biſhop of Worceſter, but ſhe looked " upon it as her undoubted right to continue or diſplace any " ſervant attending upon her own perſon, when ſhe ſhould " think it proper." The lords, upon this anſwer, reſolved the ſame day unanimouſly, " That no lord of their houſe " ought to ſuffer any ſort of puniſhment by any proceedings " of the houſe of commons, otherwiſe than according to the " known and ancient rules and methods of parliament." But, however, Sir Edward Seymour having attended the queen with the reſolutions and addreſs of the commons for the removal of the biſhop, ſhe anſwered, " That ſhe was very ſorry, " that there was occaſion for that addreſs againſt the biſhop " of Worceſter; and that ſhe would order, that he ſhould " no longer continue to ſupply the place of her almoner." Thus that prelate fell a ſacrifice to the reſentment of the oppoſite party. The lords addreſs upon it. Pr. H. L. II. 45.

On the contrary, Sir George Rooke, who was in great eſteem with the Tory-party, was ſworn of the privy council. Rooke made privy-counſellor.

The duke of Ormond, upon his firſt arrival from the expedition to Cadiz, had complained very openly of Sir George's conduct, and ſeemed reſolved to carry the matter to a public accuſation. But the court found the party, that prevailed in the houſe of commons, determined to juſtify him; ſo that, His conduct examined. Burnet.

Anne, 1702. to comply with this, he was not only made a privy-counſellor, but much pains were taken with the duke to ſuppreſs his reſentments. But, though he was in a great meaſure ſoftened, yet he had made his complaints to ſo many lords, that they moved the houſe to examine both his inſtructions and the journals relating to that expedition; and accordingly a committee was appointed for that purpoſe, who ſate long upon the enquiry, and examined all the admirals and land-officers, as well as Rooke himſelf, upon the whole progreſs of that affair. But Rooke was ſo well ſupported by the court, and by his party in the houſe of commons, that he ſeemed to deſpiſe all that the lords could do. It appeared to ſome, who were very intelligent in naval affairs, from all his motions during the expedition, that he intended to do nothing but amuſe and make a ſhew; and they concluded, from the protection that the miniſtry gave him, that they likewiſe intended no other. He took much pains to ſhew, how improper a deſign the deſcent upon Cadiz was, and how fatal the attempt muſt have proved; and in doing this, he arraigned his inſtructions, and the deſign, upon which he was ſent, with great boldneſs, and ſhewed little regard to the miniſters, who took more pains to bring him off than to juſtify themſelves. The lords of the committee prepared a report, which was ſevere upon Rooke, and laid it before the houſe; but ſo ſtrong a party was made to oppoſe every thing that reflected on him, that, though every particular in the report was well proved, yet it was rejected, and a vote was carried in his favour, wherein it was declared, "That Sir George Feb. 17. "Rooke had done his duty, purſuant to the councils of war, "like a brave officer, to the honour of the Britiſh nation." The governor's poſt of lord lieutenant of Ireland, which was now given to the duke of Ormond, had ſo far prevailed with him, that, though the enquiry was ſet on foot by his means, and upon his ſuggeſtions, yet he came not to the houſe, when it was brought to a concluſion. So that Rooke, being but faintly puſhed by him, and moſt zealouſly ſupported by his party, was juſtified by a vote, though univerſally condemned by more impartial judges. The behaviour of this miniſtry, in this matter, heightened the jealouſies, with which many were poſſeſſed; for it was inferred, that they were not in earneſt in this whole expedition to Cadiz, ſince, the conduct being ſo contrary to the inſtructions, their juſtifying the one was plainly condemning the other.

A bill for [illegible] On the 21ſt of November, Mr. ſecretary Hedges delivered to the commons a meſſage ſigned by the queen, importing, "That

"That her majeſty conſidering, that there was but a very Anne.
"ſmall proviſion made for the prince her huſband, if he 1702.
"ſhould ſurvive her; and that ſhe was reſtrained from in-
"creaſing the ſame by the late act of parliament for ſettling
"her revenue, thought it neceſſary to recommend the ma-
"king a further proviſion for the prince to their conſidera-
"tion." The prince was many years older than the queen, and was troubled with an aſthma, that every year had ill effects upon his health, and had brought him into great danger this winter; yet the queen thought it became her to provide for all events. The commons having taken her meſſage into Dec. 1.
conſideration, Mr. How moved, that the yearly ſum of one hundred thouſand pounds ſhould be ſettled on the prince, in caſe he ſhould ſurvive the queen; and this was ſeconded by thoſe, who knew how acceptable the motion would be to the queen, though it was the double of what any queen of England ever had in jointure; ſo that it paſſed without any oppoſition. But, while it was paſſing, a motion was made upon a clauſe in the act, that limited the ſucceſſion to the houſe of Hanover, which provided againſt ſtrangers, though naturalized, being capable to hold any employments. This plainly related only to thoſe, who ſhould be naturalized in a future reign, and had no reſpect to ſuch as were already naturalized, or ſhould be naturalized, during the preſent reign. It was, however, propoſed as doubtful, whether, when that family might reign, all, who were naturalized before, ſhould not be incapacitated by that clauſe from ſitting in parliament, or holding employments; and a clauſe was offered to exempt the prince from being comprehended in that incapacity. Againſt this two objections lay; one was, that the lords had reſolved by a vote (as will hereafter appear) to which the greater number had ſet their hands, that they would never paſs any money-bill ſent up to them by the commons, to which any clauſe was tacked, that was foreign to the bill. They had done this, to prevent the commons from joining matters of a different nature to a money-bill, and then pretending, that the lords could not meddle with it; for this was a method to alter the government, and bring it intirely into their own hands; by this means, when money was neceſſary for preſerving the nation, they might force, not only the lords, but even the crown itſelf, to conſent to every thing they propoſed, by tacking it to a money-bill. It was ſaid, that an incapacity for holding employments, and for ſitting in the houſe of lords, were things of a different nature from money; ſo that this clauſe ſeemed to many to be a tack;

Anne. 1702.

while others thought it was no tack, becauſe both parts of the act related to the ſame perſon. The other objection was, that this clauſe ſeemed to imply, that perſons already naturalized, and in poſſeſſion of the right of natural-born ſubjects, were to be excluded in the next reign; though all people knew, that no ſuch thing was intended, when the act of ſucceſſion paſſed. Great oppoſition was made, for both theſe reaſons, to the paſſing this clauſe; but the queen preſſed it with the greateſt earneſtneſs, that ſhe had ever yet ſhewn in any thing whatever. She thought it became her, as a good wife, to have the act paſſed, in which ſhe might be the more zealous, becauſe it was not thought adviſeable to move for an act, that ſhould take prince George into a partnerſhip of the regal dignity. This matter raiſed a great heat in the houſe of lords. Thoſe, who had been advanced by the late king, and were in his intereſts, did not think it became them to conſent to this, which ſeemed to be a prejudice, or, at leaſt, a diſgrace to thoſe, whom he had raiſed. But the court managed the affair ſo dexterouſly, that the bill paſſed with the clauſe, though it was proteſted againſt by ſeveral lords (d); and the queen was highly diſpleaſed with thoſe who oppoſed the clauſe, which had been put into the bill by ſome in the houſe of commons, only becauſe they believed it would

(d) January the 19th, upon a report from the committe of the whole houſe, on the bill 'to in-'able her majeſty to ſettle a re-'venue upon the prince of Den-'mark, in caſe he ſurvived her,' that they had gone through the bill, and had left out one clauſe, which enacted, that, in caſe of the prince's ſurviving, he might be capable to be of the privy-council, a member of this houſe, or to enjoy any office, the grants herein mentioned, or any other, notwithſtanding the act of ſucceſſion in the 12th of the late king. And the queſtion being put, Whether to agree with the committee in leaving out this clauſe? It was reſolved in the negative.

Diſſentient'.

1. We do diſſent from this clauſe, becauſe we conceive this is a bill of aid and ſupply; and that this clauſe is altogether foreign to, and different from, the matter of the ſaid bill: and that the paſſing of ſuch a clauſe is therefore unparliamentary, and tends to the deſtruction of the conſtitution of this government.

2. Becauſe we conceive, that a parliamentary expedient might have been found, Whereby his royal highneſs might, by an unanimous conſent, have all the advantages deſigned him by this bill, without the lords being obliged to depart from what we conceive

would be oppoſed by thoſe, againſt whom they intended to irritate the queen. Anne. 1702.

The earl of Marlborough being arrived at London, Sir Edward Seymour, two days after, at the head of a committee appointed by the commons, waited upon him with the thanks of that houſe, for the great and ſignal ſervices performed by him for the nation. The queen likewiſe was pleaſed to declare before a committee of the council, 'That ſhe was ſo 'ſatisfied of the eminent ſervices of my lord Marlborough 'to the public and to herſelf, both in the command of the 'army, and the intire confidence he had ſettled between her

The earl of Marlborough returns to England, Nov. 28. Pr. H. C. III. 210.

conceive to be their undoubted right.

3. Becauſe we conceive, that this clauſe was not neceſſary to inable his royal highneſs to enjoy the benefit of the ſaid grants.

4. Becauſe that the clauſe, which pretends to capacitate his royal highneſs to enjoy his peerage, notwithſtanding the 'act for the further limitation 'of the crown, and better ſecu-'ring the rights and liberties of 'the ſubject,' and which makes no proviſion for other peers, under the ſame circumſtances, may tend much to their prejudice.

Torrington,
Say and Seal,
Sommers,
Portland,
Mancheſter,
Kingſton,
Jo. Litch. and Coven.
Oſſulſtone.

We diſſent from the clauſes relating to the grants:

1. Becauſe the ſaid grants are not laid before the houſe (though deſired) by which we are ignorant upon what conſiderations the ſame were granted.

2. Becauſe we conceive, that the ſaving clauſes are ſo far from having any relation to his royal highneſs, that if they ſignify any thing (without any reſpect to him) they prefer their payment before his.

Somerſet,
Devonſhire,
Tho. Cantuar.
Huntingdon,
Say and Seal,
W. Worceſter,
Richd. Peterburg',
Gi. Sarum,
Radnor,
Jo. Chicheſter,
Jo. Bangor,
Sunderland,
Oxford,
Bolton,
Mohun,
Bergavenny,
Berkeley of Stratton,
Jo. Litch. and Coven.
Rivers,
Lovelace,
Townſhend,
Herbert,
Carliſle, E. M.
Tho. Wharton,
Eſſex,
Powlet,
Rockingham,
Stamford.

'and

Anne. 1702. 'and the States-general, that ſhe intended to make him a 'duke.' Nor did the queen's favour ſtop here, for, to ſupport this new dignity, ſhe ſent a meſſage to the houſe of commons, importing, 'That ſhe had thought fit to grant 'the title of a duke of this kingdom to the earl of Marlbo-'rough, and to the heirs male of his body; and alſo a pen-'ſion of five thouſand pounds per annum upon the revenue of 'the poſt-office, for the ſupport of this honour, during her 'majeſty's natural life. That, if it had been in her power, 'ſhe would have granted the ſame term in the penſion, as in 'the honour; and that ſhe hoped they would think it ſo rea-'ſonable in this caſe, as to find ſome proper methods of doing 'it.' This meſſage occaſioned great debates in the houſe; and Sir Chriſtopher Muſgrave, in particular, ſaid, 'That he 'would not derogate from the duke's eminent ſervices, but 'inſiſted that he was very well paid for them;' and then took notice of the profitable employments enjoyed by him and his ducheſs. As ſoon as the duke was informed of this, he waited on her majeſty, and prayed her, 'rather to forego 'her gracious meſſage on his behalf, than to create any un-'eaſineſs on his account, ſince it might embarraſs her af-'fairs, and be of ill conſequence to the public.' And, there being no probability, that the commons would comply with the queen's deſire, ſhe ſent another meſſage to acquaint them, That the duke of Marlborough had declined her meſſage to them. However, the ſame day, the commons being in a grand committee, a motion was made for an addreſs, 'con-'taining the reaſons, why they could not comply with her 'majeſty's firſt meſſage.' This motion being agreed to, the addreſs was drawn, and preſented to the queen by the whole houſe, in theſe words:

The queen's meſſage in favour of the earl of Marlborough. Dec. 10. Ibid.

Dec. 15.

Addreſs on account of the queen's meſſage. Dec. 21.

'Moſt gracious ſovereign,

'WE your majeſty's moſt dutiful and loyal ſubjects, 'the commons in parliament aſſembled, humbly 'beg leave to declare our unanimous ſatisfaction in the juſt 'eſteem your majeſty has been pleaſed to expreſs of the emi-'nent ſervices performed by the duke of Marlborough, who 'has not only, by his conduct of the army, Retrieved the 'ancient honour and glory of the Engliſh nation, but, by 'his negotiations, eſtabliſhed an intire confidence and good 'correſpondence between your majeſty and the States-'general, and therein vindicated the gentlemen of England, 'who had, by the vile practices of deſigning men, been tra-'duced, and induſtriouſly repreſented as falſe to your ma-'jeſty's

Anne. 1702.

'jesty's allies, because they were true to the interest of their country.

'It is to their inexpressible grief, that your majesty's most dutiful commons find any instances, where they are unable to comply with what your majesty proposes to them; but they beg leave humbly to lay before your majesty the apprehensions they have of making a precedent for the alienation of the revenue of the crown, which has been so much reduced by the exorbitant grants of the last reign, and which has been so lately settled and secured by your majesty's unparalleled grace and goodness.

'We are infinitely pleased to observe, by your majesty's late gracious acceptance of the duke of Marlborough's services, that the only way to obtain your majesty's favour, is to deserve well from the public; and we beg leave to assure your majesty, that, whenever you shall think fit to reward such merit, it will be to the intire satisfaction of your people.'

To this address, which reflected so highly on the late king's person and reign, the queen only answered, 'That 'she should always think herself much concerned to reward 'those who deserved well of her; and that, on this account, 'she had bestowed some favours on the duke of Marlbo'rough, and was glad to find they thought them well pla'ced.' However, great liberty was taken of reflecting upon the queen, as well as the duke, for this transaction; and a satirical piece was handed about, wherein, among other things, it was affirmed, 'That her majesty designed to give 'one duke * all the gold, which the other † had brought 'home from Vigo (e).'

* Marlborough.
† Ormond.

In the beginning of January, the queen sent a message to the commons, 'That the States-general had renewed their 'applications to her majesty, to assist them in this time of 'danger with an augmentation of her forces (f), as the only 'means

An augmentation of forces desired by the Dutch. Pr. H. C. III. 245. Lamberti, Vol. II. Burnet.

(e) As this proceeding of the queen demonstrates the great influence the duke and duchess of Marlborough had then over her, so it is thought, the refusal of the commons, to comply with the queen's desire, began to alienate the duke from the Tories. It is remarkable, that this circumstance is mentioned neither by bishop Burnet, in his history, nor by the duchess of Marlborough, in the vindication of her conduct.

(f) The States had represented the necessity of this augmentation

Anne. 1702. 'means to diſappoint the great and early preparations of the 'French.' Upon which it was reſolved, 'That ten thou- 'ſand

mentation to the earl of Marlborough, before he left Holland, in order that ſome reſolution might be taken for that purpoſe in England. The earl acknowledged the neceſſity of ſuch a reſolution, and promiſed, that, at his return to London, he would uſe his utmoſt endeavours in that reſpect. It was obſerved to his lordſhip, that at leaſt it was better to augment the land-forces, than to have forty thouſand ſeamen voted by the houſe of commons; ſince, that ſixty Engliſh ſhips would be ſufficient, with thirty Dutch, to command the ſeas, twenty or five and twenty thouſand ſeamen would be enough to man them, and the reſt of the expence might be employed in land forces. Upon theſe heads, the States-general ordered their ambaſſadors to preſent a memorial to the queen, importing, that the ill ſucceſs at Cadiz did not diſcourage them, but that they were ready to redouble their efforts, if her majeſty ſhould think proper; and, at the ſame time, congratulating her upon the ſucceſs of the fleet at Vigo, and thanking her for the aſſiſtance which ſhe had given them, by her troops under the command of the earl of Marlborough, and repreſenting to her the neceſſity of augmenting them, eſpecially, as they were informed, that France would augment their troops by the addition of eighty thouſand men. This memorial had no effect; but her majeſty's envoy preſented to the States-general the following memorial, in anſwer to that of their ambaſſadors:

High and mighty lords,

"The under-written envoy extraordinary of the queen of Great Britain is ordered to repreſent to your high mightineſſes, That her majeſty, having ſeen and conſidered the memorial of your ambaſſadors and envoy extraordinary, dated the 14th of November, wherein they thank her majeſty, in the name of your high mightineſſes, for the aſſiſtance which has been given you by her majeſty's troops, under the command of the earl of Marlborough, and, at the ſame time, congratulate her majeſty upon the ſucceſs of the fleet and her troops, in conjunction with thoſe of her allies, in the happy attempt upon Vigo; deſiring, that the troops in Flanders may be compleated, augmented, and early in the field next year: Her majeſty has ordered the ſaid envoy to acquaint your high mightineſſes, that her majeſty thanks you ſincerely for your obliging acknowledgments towards her, on occaſion of the aſſiſtance under the command of the ſaid earl of Marlborough; and that ſhe is extremely well ſatisfied, that their ſucceſs has been ſo conſiderably to the advantage of your high mightineſſes, by extending and fortifying your frontier.

'ſand men be hired for an augmentation of the forces to act 'in conjunction with the allies, but upon condition, that 'there

tier. That her majeſty congratulates you likewiſe on account of the ſhare, which your fleet and troops had in the glorious action at Vigo. That ſhe will take care, that the troops in the Low-Countries be effectually recruited, and provided with all things neceſſary, in order that they may take the field early the next year. That the meaſures relating to the number of her majeſty's troops, which ought to be employed in conjunction with thoſe of your high mightineſſes in the Low-Countries, having been taken into conſideration in the parliament, before any mention was made of augmenting them, that affair, according to the rules and method of their proceedings, could not be laid before them; but that all poſſible care ſhould be taken, that the reſt of her majeſty's forces, both by ſea and land, ſhould be employed in ſuch a manner, as ſhould appear to be moſt proper for making the greateſt diverſion to the enemy, in other parts, and for obtaining the end, that your high mightineſſes propoſe: And, for that purpoſe, her majeſty is deſirous, that the moſt proper methods may be concerted between her and your high mightineſſes; and that you will pleaſe to give inſtructions to ſome perſons for regulating the operations of ſuch expedients, as may moſt annoy the enemy, and be of moſt advantage to the common cauſe."

Hague, Dec. 5. 1702. STANHOPE.

The envoy preſented this memorial at the perſuaſion of the penſionary, in order that the States-general might take occaſion, from thence, to renew their inſtances; which they accordingly did, by their ambaſſadors. But the queen perſiſted in refuſing to lay the propoſal for the augmentation of the troops before the houſe of commons, upon pretence, that the true courſe of parliaments did not permit the propoſing of new levies, after the ſtate of the war had been once ſettled; and that this could not be done, without proroguing the parliament, which would entirely annul what had been already done, and would cauſe an irreparable damage. As this excuſe did not appear ſufficient, eſpecially, as, under the late king, there had been inſtances contrary to the cuſtom alleaged by the queen, the anſwer, which Mr. ſecretary Hedges gave, in the name of her majeſty, to the Dutch ambaſſadors, was examined with great care and attention. Which anſwer was as follows:

"The queen, having ſeen and conſidered the memorial of your excellencies, dated the 1ſt of this month, has ordered, that the following anſwer be given it: That her majeſty has nothing more at heart, than to do every thing, that depends upon her, to ſupport the intereſts of the States-general, which ſhe will always conſider as her own. And

Anne. 1702. 'there be an immediate ſtop put to all commerce and cor-
'reſpondence with France and Spain on the part of the States-

And though, by the forms of parliament, no effect can be hoped for from propoſing to them the raiſing of new troops to ſerve in the Low-Countries, without a prorogation of the parliament, which will intirely deſtroy all that has been done, and cauſe an irreparable damage; yet her majeſty has thought of ſuch other expedients, as may effectually ſupport them, or convince them that nothing ſhall be wanting on her part, to aſſure them of her real concern and care for their ſecurity and proſperity. And, for this purpoſe, her majeſty being aſſured of the concurrence of her parliament, in maintaining ſuch new alliances, as ſhe ſhall make for her own intereſt, and that of her allies, ſhe ardently wiſhes, that the States-general would immediately concur with her, in ſending miniſters to the king of Sweden, to induce him to agree to a peace; in which caſe her majeſty, in conjunction with the ſaid States, will take into her pay 12000 Swedes, and 8000 Saxons. And, conſidering the preſent ſituation of the king of Sweden, her majeſty hopes, that this negotiation may be finiſhed with ſuch expedition, that the ſaid troops may be in Holland, as ſoon as ſhall be neceſſary for the enſuing campaign. Her majeſty next propoſes, that all kinds of means ought to be uſed, to recover the elector of Bavaria, by an amicable accommodation; and, for this purpoſe, to perſuade the emperor to gratify him with all thoſe things, which may probably give him ſatisfaction. And her majeſty is very deſirous, in concert with her allies, to contribute to the neceſſary ſubſidies for inabling that duke to employ his troops in the ſervice of the allies, in order, by that means, to make ſuch a diverſion to France, as may effectually break their deſigns againſt the States. And beſides, as the ſucceſs of ſuch negotiations is uncertain, as well as that of Portugal, though her majeſty has reaſon to hope, that the latter is in a good train of being happily concluded, her majeſty inſtantly deſires the States-general to join, with all poſſible expedition, ſuch a number of their ſhips to thoſe of her majeſty, in order to ſend a ſquadron to the Mediterranean, her majeſty being diſpoſed to imbark on board thoſe ſhips all the troops, which ſhe can ſpare in England, which, in conjunction with ſome of the States-general, may make ſuch attempts as ſhall be agreed upon, as the moſt proper for making the greateſt diverſion to France and moſt effectually preventing the ſuperiority of that kingdom in the Low-Countries. And, if there be any other expedient, which the States can think of, and is practicable for her majeſty to join in it, ſhe will receive it with joy, being reſolved

to

'States-general.' This reſolution being formed into an addreſs, and laid before the queen, her majeſty anſwered, 'That ſhe made no doubt but that condition would be approved, ſince it was ſo abſolutely neceſſary for the good of the whole alliance; and that ſhe would ſend that night directions to her miniſters in Holland, to concur with the States in providing the troops accordingly.' The lords alſo addreſſed the queen on the ſame ſubject, and to the ſame effect; to which her majeſty returned the like anſwer. The chief reaſon why both houſes inſiſted upon an immediate prohibition of all commerce and correſpondence with France and Spain, was the great difficulty under which the court of France laboured at this juncture, to make remittances of money to their forces in Italy, and to the elector of Bavaria in Germany; which indeed the French could not do without the aſſiſtance of Engliſh, Dutch, and Geneva merchants, as appeared by a diſcovery made about this time by the earl of Nottingham, on an unlawful intercourſe of bills of exchange between ſome French bankers at Paris and ſome London merchants. However, though the inſiſting upon this prohibition was a thing reaſonable in itſelf, yet the manner in which it was managed, ſhewed an ill diſpoſition to the Dutch; who, in the debate concerning it in the houſe of

Anne. 1702.

to omit nothing that can contribute to their ſecurity and ſatisfaction.

Whitehall, Dec. 3/14, 1702.

CH. HEDGES.

In the examination of this anſwer, it ſeemed, as if the queen had conceived in her mind ſome prejudice of the States-general; which might perhaps ariſe from their not having given the command of the armies to prince George, as ſhe had wiſhed might be done. Others were of opinion, that this anſwer was ſuggeſted by the earl of Rocheſter, who, being ambitious of having the aſcendant in the adminiſtration of affairs, looked with a jealous eye, upon the glory which the earl of Marlborough had gained in the laſt campaign, and which had induced the commons, in their addreſs, to ſtile him the RETRIEVER of the honour of the nation. They imagined, therefore, that, to prevent him from gaining new laurels, the earl of Rocheſter had inſinuated into the queen ſo far, as to perſuade her to give the anſwer above-mentioned to the Dutch ambaſſadors. But others had no manner of doubt, that the queen's deſign in that anſwer was only to captivate the eſteem of her ſubjects, by ſhewing how zealous ſhe was for their eaſe, and how averſe to the laying new burdens on them. It is not improbable, that all theſe three reaſons might have more or leſs influence in this anſwer.

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Anne. 1702. commons, were treated very indecently; and the impoſing it upon them, in the way in which it was preſſed, carried in it too high a ſtrain of authority over them. Theirs is a country, which does not ſubſiſt by any intrinſic wealth of their own, but by their trade; and therefore ſome ſeemed to hope, that the oppoſition which would be raiſed on that head, might force a peace; which many perſons in England were driving at ſo indecently, that they took little care to conceal it. The States reſolved to comply with England in every thing; and, though they did not like the manner of demanding this, yet they readily conſented to it; and accordingly the prohibition of all commerce with France and Spain was publiſhed by them, commencing from the 1ſt of June, 1703.

The bill againſt occaſional conformity. Pr. H. L. III. 212. Burnet.

The toleration-act, paſſed in the firſt year of the late reign in favour of the Proteſtant Diſſenters, was looked upon with regret by many Church-men. King William was no ſooner dead, than the Diſſenters felt the effects of the change. They that bore them ill will, before, and were ready to reflect on them upon all occaſions, now openly triumphed. Sermons were preached, and pamphlets diſperſed, to blacken them as much as poſſible, and ſuch a violent temper diſcovered itſelf on a ſudden, and ſuch an inclination to heat and fury, as plainly ſhewed the parties affected to have been kept under a ſort of reſtraint. The debate about 'occaſional conformity,' which had been raiſed in the foregoing reign, was now received with great warmth. Before the new parliament met, a pamphlet came out with this title: 'The 'eſtabliſhment of the Church, the preſervation of the ſtate,' ſhewing the reaſonableneſs of a bill againſt occaſional conformity: In which the author undertook to prove, that a civil diſcouragement of Diſſenters would be highly agreeable to religion: That their objections, as to cruelty, and with reſpect to conſcience, had nothing in them: And that the countenancing them would be as little politic as pious. This was ſoon followed by another, called, 'The caſe of tolera-'tion recognized;' in which, a ſtrenuous motion was made for the adding farther conditions to the toleration, and eſpecially, that of incapacitating ſuch, as had benefit by it for all civil employments. It was dedicated to the earl of Marlborough, who, as has been obſerved, was looked upon as a Tory, and, conſequently, as one of unſuſpected zeal for the Church. Matters being thus prepared without doors, the indiſcretion of a lord-mayor, in the late reign, was made the pretence of bringing in a bill in parliament againſt occaſional

sional conformity. It seems, Sir Humphry Edwin, who was a Dissenter, being lord-mayor in the year 1697, carried the city-sworn with him once to a meeting at Pinners-Hall. As this was exclaimed against at the time it was done, so now it was urged as a reason to prevent the like for the future. Accordingly, on the 4th of November, Mr. Bromley, Mr. St. John (afterwards lord Bolinbroke) and Mr. Annesley (afterwards earl of Anglesey) were ordered to bring in a bill for preventing Occasional Conformity. It was read a second time, the 17th of November, and, a motion being made for exempting Protestant Dissenters from such offices as cannot by law be executed without receiving the sacrament according to the usage of the Church of England, it was carried in the negative. In the preamble of the bill, the toleration was asserted, and all persecution for conscience sake, condemned, in a high strain. But, how the enacting part could be reconciled with this preamble, is hard to conceive (a). For, by this bill, all those who took the sacrament and test (which, by the act passed in 1673, was made necessary to those who held offices of trust, or were magistrates in corporations, but was only to be taken once by them) and did, after that, go to the meetings of Dissenters, or any meeting for religious worship, that was not according to the liturgy or practice of the Church of England, where five persons were present more than the family, were disabled from holding their employments, and were to be fined one hundred pounds, and five pounds a day for every day in which they continued to act in their employments, after their having been at any such meeting. They were also made incapable to hold any other employment, till after one whole year's conformity to the Church, which was to be proved at the quarter-sessions. Upon a relapse, the penalties and time of incapacity were doubled. No limitation of time was put in the bill, nor of the way in which the offence was

Anne 1702.

(a) The bill began thus: 'As nothing is more contrary to the profession of the Christian religion, and particularly to the doctrine of the Church of England, than persecution for conscience only; and, in due consideration of it, an act passed in the first year of king William and queen Mary, for the exempting their majesty's Protestant subjects, dissenting from the Church of England, from the penalties of certain laws; which act ought inviolably to be observed, and also given to consciences truly scrupulous.' How this is reconcileable with an exclusion from all offices and places of trust, purely on a religious account, cannot easily be made appear.

Anne. 1702.

to be proved. But, whereas the teſt-act only included the magiſtrates in corporations; all the inferior officers or freemen in corporations, who were found to have ſome intereſts in the elections, were now comprehended in this bill. Some thought the bill was of no conſequence, and that, if it ſhould paſs into a law, it would be of no effect: But that the occaſional conformiſts would become conſtant ones. Others thought, that this was ſuch a breaking in upon the toleration as would undermine it, and that it would have a great effect on corporations; as, indeed, the intent of it was believed to be the modelling elections, and, by conſequence, of the houſe of commons.

Great debates about it. Burnet.

On behalf of the bill, it was ſaid, the deſign of the teſt-act was, that all in office ſhould continue in the communion of the Church; that coming only once to the ſacrament for an office, and going afterwards to the meetings of Diſſenters, was both an eluding the intent of the law, and a profanation of the ſacrament, which gave great ſcandal, and was abhorred by the better ſort of Diſſenters. Thoſe, who were againſt the bill, ſaid, the nation had been quiet ever ſince the toleration; the Diſſenters had loſt more ground and ſtrength by it than the Church: The nation was now engaged in a great war; it ſeemed therefore unreaſonable to raiſe animoſities at home, in matters of religion, at ſuch a time; and to encourage a tribe of informers, who were the worſt ſort of men. The fines were exceſſive, higher than any laid on Papiſts by law; and, ſince no limitation of time, nor concurrence of witneſſes, was provided for in the bill, men would be for ever expoſed to the malice of a bold ſwearer or wicked ſervant: It was moved, ſince the greateſt danger of all was from Atheiſts and Papiſts, that all ſuch, as received the ſacrament for an office, ſhould be obliged to receive it three times a year; which all were by law required to do; and to keep to their pariſh-church, at leaſt one Sunday a month; but this was not admitted. All, who pleaded for the bill, did in words declare for the continuance of the toleration, yet the ſharpneſs, with which they treated the Diſſenters in all their ſpeeches, ſhewed as if they deſigned their extirpation. The bill, on the 28th of November, paſſed the houſe of commons by a great majority, and was carried up by Mr. Bromley, on the 2d of December, to the lords. That houſe, being apprehenſive that the commons might (as they had done on ſeveral occaſions) tack their bill to ſome money-bill, made a vote: 'That the annexing 'any clauſe to a money-bill was contrary to the conſtitution

of

of the Engliſh government, and the uſage of Parliament; and ordered this vote to be added to the roll of the ſtanding order of their houſe. The debates upon the occaſional bill held longer in the houſe of peers than they had done in the houſe of commons. Many were againſt it, becauſe of the high penalties: Some remembered the practices of informers, in the end of king Charles's reign, and would not conſent to the reviving ſuch infamous methods; all believed, that the chief deſign of this bill, was to model corporations, and to caſt out of them all thoſe who would not vote in elections for Tories. The toleration itſelf was viſibly aimed at, and this was only a ſtep to break in upon it. Some thought the deſign went yet further, to raiſe ſuch quarrels and diſtractions among us, as would ſo embroil us at home, that our allies might ſee they could not depend upon us; and that we, being weakened by the diſorders occaſioned by thoſe proſecutions, might be diſabled from carrying on the war, which was the chief thing driven at by the promoters of the bill. So that many of the lords, as well as the biſhops, agreed in oppoſing this bill, though upon different views; Yet they conſented to ſome part of it; chiefly, that ſuch as went to meetings after they had received the ſacrament, ſhould be diſabled from holding any employments, and be fined in twenty pounds; many went into this, though they were againſt every part of the bill, becauſe they thought this the moſt plauſible way of loſing it: Since the houſe of commons had of late ſet it up for a maxim, that the lords could not alter the fines that they ſhould fix in a bill, this being a meddling with money, which they thought was ſo peculiar to them, that they would not let the lords, on any pretence, break in upon it. Anne. 1702.

The lords, hereupon, appointed a very exact ſearch to be made into all the Rolls, that lay in the clerk of the parliament's office, from the middle of king Henry the Seventh's reign, down to the preſent time: And they found, by ſome hundreds of precedents, that in ſome bills the lords began the clauſes that ſet the fines; and that, when fines were ſet by the commons, ſometimes they altered the fines, and at other times, they changed the uſe to which they were applied. The report made of this, was ſo full and clear, that there was no poſſibility of replying to it, and the lords ordered it to be entered into their books. But the commons were reſolved to maintain their point, without entering into any debate upon it. The amendments of the lords were moſtly alterations of words, and expreſſions, except this of

Anne. 1702. the alteration of the penalties; and another, by which they diſowned, that it was the intention of the law, when it provided, that every perſon to be admitted to office ſhould receive the ſacrament, that ſuch perſon was obliged to be intirely conformable to the Church. To which amendments the commons diſagreed, as well as to the alteration of the penalties. The lords alſo added five clauſes; by the firſt of which, information was to be given of the offence within ten days, and the proſecution to be within three months, and the conviction upon the oath of at leaſt two credible witneſſes. To this the commons agreed, but to the other four clauſes they would not conſent, that Diſſenters ſhould not be compelled to hold any office, for which they could not be legally qualified without taking the ſacrament: That the univerſity-churches might be exempted, where ſermons were preached without prayers: That ſuch as went to the French and Dutch churches might be excepted: And that governors of hoſpitals, and aſſiſtants of corporations and work-houſes for the poor, might alſo be exempted. The affair depended long between the two houſes, and both ſides took pains to bring up the lords that would vote with them, by which means there were above a hundred and thirty lords in the houſe, the greateſt number that ever had been brought together.

The court put their whole ſtrength to carry this bill; prince George came and voted for it, though he was himſelf an occaſional Conformiſt. For he had received the ſacrament as lord high-admiral, and yet kept his chapel in the Lutheran way (b). The earl of Marlborough and the lord Godolphin alſo were for the bill. After ſome conferences, wherein each houſe had yielded ſome ſmaller differences to the other, it came to a free conference, on the 16th of January, in the painted chamber, which was the more crowded upon that occaſion than had ever been known; ſo much weight was laid on this matter on both ſides. The managers, on the part of the commons, were Mr. Bromley, Mr. St. John, Mr. Finch, Mr. ſollicitor-general, and Sir Thomas Powis. On the part of the lords, the duke of Devonſhire, the earl of Peterborough, the biſhop of Sarum, the lord Sommers, and the lord Halliſax (c).

When

(b) It was reported, the prince ſhould ſay to the lord Wharton, when he was about to divide againſt him, 'My heart is vid 'you.'

(c) The ſubſtance of what paſſed

When the conference was over, the commons left the bill with the lords, and ſaid, that they hoped they would not let Anne 1702.

The bill is loſt.

paſſed at this free conference, was as follows:

The managers for the commons alledged, "That the intent of this bill was only to reſtrain a ſcandalous practice, which was a reproach to religion, and gave offence to all good Chriſtians, and to the beſt among the Diſſenters themſelves. That it enacted nothing NEW, and was only intended to make the laws in being more effectual. That this bill appeared to the commons abſolutely neceſſary for the preventing thoſe miſchiefs which muſt prove deſtructive to the Church and monarchy. That an eſtabliſhed religion and a national church are abſolutely neceſſary, when ſo many ill men pretended to inſpiration, and when there were ſo many weak men to follow them. That the only effectual way to preſerve this national church, was by keeping the civil power in the hands of thoſe whoſe principles and practices are conformable to it. That the parliament, by the corporation and teſt-acts, thought they had ſecured our eſtabliſhment, and provided a ſufficient barrier to diſappoint any attempts againſt them, by enacting, that all in offices ſhould receive the ſacrament according to the uſage of the Church of England, and never imagined a ſet of men could at any time riſe up, "whoſe conſciences "were too tender to obey the "laws, but hardened enough to "break them." That, as the laſt reign began with an act in favour of the Diſſenters, ſo the commons did deſire, that in the beginning of her majeſty's auſpicious reign, an act might paſs in favour of the Church of England, "That thoſe men might "be kept out of offices, who "have ſhewn they never wanted the will, when they had "the power, to deſtroy the "Church." And that this bill did not in any reſpect intrench on the act of toleration, or take from the Diſſenters any one privilege they have by law, or give any one privilege to the Church of England, which was not at leaſt intended her by the laws as they then ſtood.

As to the ſeveral particular amendments made by the lords, the managers for the commons inſiſted upon it, That, if the laws provided, that they that had offices ſhould receive the ſacrament, and by that intended a conformity; then whoſoever breaks the intentions of the law, breaks the law, or at leaſt evades it; and that it was fit to provide againſt ſuch a practice. That, if the intention of the teſt-act was the reaſon to provide againſt ſuch evaders of it, the like intention in the corporation-act would ſerve for a reaſon to provide againſt the evaders of that. That, by occaſional conformity, the Diſſenters might let themſelves into the government of all corporations; and that it was obvious how far that would influence the government of the kingdom.

1702. Anne. let the public loſe the benefit of ſo good a law. Then the managers returned to their reſpective houſes. When it came to

That to ſeparate from a church, which has nothing in it againſt a man's conſcience to conform to, is ſchiſm; and that is a ſpiritual ſin, without the ſuperadding a temporal law to make it an offence. That occaſional conformity declares a man's conſcience will let him conform; and, in ſuch a man, non-conformity is a wilful ſin. And why ſhould occaſional conformity be allowed in corporations, when the lords agreed, that out of corporations it ought not to be allowed? That, in laying penalties, the commons would always endeavour to make them ſuch as ſhould neither tempt to perjury, nor totally diſcourage informations and proſecutions; which they thought the lords amendment would do, ſhould they agree to it. That the puniſhment of incapacity, the re-capacitating, and the increaſe of puniſhment for a ſecond offence, are warranted by many precedents of the like nature in other penal laws. That an incapacity is a very proper puniſhment; and that a ſecond offence is a relapſe and apoſtacy, which makes it more heinous than the firſt offence, and therefore deſerves an increaſe of puniſhment. That he is indeed reduced to a very unhappy condition, who is made incapable of ſerving his prince and country: But in the preſent caſe, both prince and country would be in a more unhappy condition, to be ſerved by ſuch, whoſe principles are inconſiſtent with the good and welfare of the eſtabliſhment. That the toleration was intended only for the eaſe of tender and ſcrupulous conſciences, and not to give a licence for occaſional conformity. That conforming and non-conforming are contradictions; nothing but a firm perſuaſion, that the terms of communion required are ſinful and unlawful, could juſtify the one, and that that plainly condemns the other. That the exempting Diſſenters from ſerving offices would rather eſtabliſh occaſional non-conformity, than prevent occaſional conformity; and therefore increaſe, and not cure the evil the bill was intended to remedy. That the act of uniformity had provided for the ſermons or lectures in the univerſities; and that therefore the acts againſt conventicles in the 16 and 22 Car. II. made no particular exceptions for them, and yet they were never taken to be conventicles. That the exempting ſuch as ſhould be preſent at the foreign reformed churches, would be to open a door to evade this law. And that the places of governors of ſome hoſpitals are very conſiderable preferments, and given as ſuch to the clergy of the Church of England; and that the commons could never conſent by any law, to let in the Diſſenters to the enjoyment of them."

The managers for the lords, on the other hand, declared, that, "By agreeing ſo far as they had done to this bill, they had

to the final vote of 'adhering,' the lords were ſo equally divided, that, in three queſtions put upon different heads, the Anne. 1702.

had gone a great way for preventing the evil it was intended to remedy; and owned it to be a ſcandal to religion, that perſons ſhould conform only for a place. That they did not think going to a meeting to be malum in ſe, for that the Diſſenters are Proteſtants; and differ from the Church of England only in ſome little forms, and therefore they thought loſs of office a ſufficient puniſhment without an incapacity. That it could never be thought, thoſe of the better ſort would be guilty of this offence; if they were they ſhould loſe their offices: That in inferior officers of the cuſtoms and exciſe, who had little elſe to ſubſiſt on, loſs of office was ſevere enough, ſince thereby they would be undone. And that this was yet more conſiderable in patent places, which by a common cuſtom are bought and ſold, and are of the nature of freeholds. That incapacity was too great a penalty; and that it is hard to imagine any offence, that is not capital, can deſerve it. That there is no more reaſon to puniſh this offence with incapacity, than to make it felony. That the Diſſenters are not obnoxious to the government, as when the corporation-act was made; the moſt conſiderable perſons amongſt them being well affected to the preſent conſtitution, and hearty enemies to the queen's and the kingdom's enemies. That in ſome corporations they took the election of members to ſerve in parliament to be only in ſuch as are concerned in the government of them, as at Buckingham; and the lords would not by this bill deprive men of their birthrights. Neither did they think fit to bring any greater hardſhips upon the Diſſenters, ſince great advantages have accrued from the act of toleration. That the lords did equally deſire a good correſpondence betwixt the two houſes, and were ſo ſatisfied of the neceſſity of union at this time, that they thought all meaſures fatal, that might create diviſions amongſt Proteſtants at home, or check the neceſſary union of the allies abroad. That in a time of war they thought alterations unneceſſary and dangerous, and were unwilling to bring any real hardſhips upon the Diſſenters at this time, or give them any cauſe of jealouſies and fears. That the toleration had had ſuch good effects, contributed ſo much to the ſecurity and reputation of the Church of England, and produced ſo good a temper among Diſſenters, that the lords were unwilling to give the leaſt diſcredit to that act; liberty of conſcience and gentle meaſures being moſt proper, and having been found moſt effectual toward increaſing the Church, and diminiſhing the number of Diſſenters. That ſome parts of the bill had an air of ſeverity not proper for this ſeaſon; that a proper time ought to be taken to apply remedies, the attempting too haſty cures having often proved fatal. That

Anne. 1701-2. the 'adhering' was carried but by one vote in every one of them, and it was a different perſon that gave it in all the three

if there had been ſuch danger and neceſſity, this remedy would have been propoſed before. That, if this bill did enact nothing NEW, there would not be ſuch a conteſt about it. That they did conſent to a puniſhment, but would proportion the penalty to the offence. That they hoped their deſires of ſecuring the toleration act, the peace and quiet of the kingdom at home, and the intereſt of the nation abroad, would meet with a fair conſtruction. That they thought the only conteſt between the two houſes was, which ſhould moſt befriend and take care of the Church: the one would procure a haſty ſettled ſubmiſſion, not ſo much to be depended on; the other would obtain for her a more gradual but a ſafer advantage over Diſſenters. That they conceived both the laſt reign and this began upon the ſame bottom and foundation; and that, as in this reign her majeſty has been pleaſed to give gracious aſſurances as to liberty of conſcience, ſo in the laſt the Church ever met with protection and ſupport. That it is hard, as well as untrue, to ſay of the Diſſenters, "They never wanted the will, "when they had the power, "to deſtroy the Church and "ſtate;" ſince, in the laſt and greateſt danger the Church was expoſed to, they joined with her with all imaginable zeal and ſincerity againſt the Papiſts, their common enemies; and that ever ſince they have continued to ſhew all the ſigns of friendſhip and ſubmiſſion to the government of Church and ſtate. That toleration and tenderneſs had never miſſed of procuring peace and union, as perſecution had never failed of producing the contrary effects. That the lords could not think the Diſſenters could properly be called Schiſmaticks; that ſuch an opinion allowed would bring a heavy charge upon the Church of England, who by a law have tolerated ſuch a ſchiſm: And that, the Church-men having allowed communion with the reformed churches abroad, it muſt follow they hold them not guilty of ſchiſm, or could not allow communion with them. That this bill would inflict a ſecond puniſhment on them, who fled from France for their religion. That this might be uſed as an argument to juſtify even the perſecution in France. That they could not depart from the clauſe relating to the Dutch and Walloon churches ſo long eſtabliſhed among us, leſt it ſhould give great diſguſt and offence to the allies abroad, and at the ſame time forfeit the greateſt character can be given a church, that of tenderneſs and charity to fellow-chriſtians, &c. That, as to workhouſes, they could not conceive, that the diſtributing of ſome "Preſbyterian bread to "the poor, and Diſſenting wa"ter-gruel to the ſick," could ever bring any prejudice to the Church of England: And that they were of opinion, that tho,

Diſ-

three diviſions. Upon this, the bill was delivered to the commons according to form, at a free conference, and they were

Anne. 1702.

Diſſenters were coming into the Church, and that nothing but terrifying meaſures and ſeverity could prevent the happy union.

It was further added, That a Papiſt convict, as ſoon as he conforms himſelf, and receives the ſacrament, is immediately cleared; no incapacity lies upon him. But this act would carry the matter farther, to a year's incapacity. A Papiſt, that ſhall relapſe and fall under a ſecond conviction, is only convicted over again, without any aggravation of the cenſure; which by this bill would be much heightened upon a ſecond offence! So that the penalties of this bill are higher than any the law has laid on Papiſts for aſſiſting at the ſolemneſt act of their religion. Before the act of toleration paſſed, while conventicles were illegal and criminal aſſemblies, a man in office, that was preſent at them, was only liable to a fine of 10l. Whereas by this bill he would be liable to a fine of 100l. for being preſent at them, though they have an impunity by law: It does not ſeem ſo very ſuitable, that the ſame action ſhould be made ten times more penal, after ſuch an impunity is granted, than it was before the paſſing that law, while ſuch aſſemblies were illegal. It ſeems inſnaring, and unbecoming ſo mild a government as ours, to lay ſo heavy a penalty on a crime ſo dubiouſly expreſſed: Nor is it proper, that the ſums raiſed by the bill ſhould all go to the informer, which might give encouragement to falſe accuſations and perjury. This occaſional conformity has been both the principle and practice of ſome of the moſt eminent among the Diſſenters ever ſince St. Bartholomew's in 1662. Nor is it a certain inference, that, becauſe a man receives the ſacrament in the church, he can therefore conform in every other particular. Occaſional conformity was a ſtep that carried many much further: And it was intimated, that the lords were not willing to ruin perſons utterly on account of a practice, that many well-meaning men have been and may be led into, and which they think naturally tends to bring them over intirely to the Church, &c. &c.

The managers, on the behalf of the commons, replied, that ſeveral arguments, urged by the managers for the lords, were againſt the bill, which they had ſeemed to agree to. That no time could be more ſeaſonable for this bill than the preſent, becauſe good laws may be obtained moſt eaſily in the beſt reigns. That, ſhould any by this bill be turned out of their employments, and conſequently loſe their votes in elections, yet it cannot be ſaid they loſe their birth-rights, becauſe no man is born a magiſtrate. That ſome of the lords arguments had been ſo irregular as to defend occaſional conformity. And that they were ſurprized to hear

Anne. 1702. were told, that the lords adhered to their amendments. As the commons likewiſe adhered to their diſagreement with the lords amendments. The bill was loſt for this time. The lords ordered their proceedings in this affair to be publiſhed, and the commons followed their example. This bill ſeemed to favour the intereſts of the Church, and therefore the warm men were for it. The greater number of the biſhops being againſt it, they were cenſured, as cold in the concerns of the Church: A reproach, that all moderate men muſt expect, when they oppoſe violent motions. Great part of this cenſure fell upon the biſhop of Sarum; for he bore a large ſhare in the debates, both in the houſe of lords, and at the free conference. Angry men took occaſion, from the loſs of this bill, to charge the biſhops, as enemies to the Church, and betrayers of its intereſts, becauſe they would not run blindfold into the paſſions and deſigns of ill-tempered men; whereas they thought they faithfully purſued the true intereſts of the Church, and zealouſly applied themſelves to the duties of their function (d).

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hear a prelate ſpeak in defence of ſuch a practice."

(d) While the occaſional conformity-bill was depending, Daniel de Foe, who had been a hoſier in the city of London, and had, ſome years before, publiſhed a ſevere ſatire, intitled, "The True born Engliſh-"man," now undertook to ridicule the immoderate zeal of the Church-party, in a pamphlet, called, "The ſhorteſt "way with the Diſſenters: Or, "propoſals for the eſtabliſh-"ment of the Church." Some, on both ſides, were at firſt amuſed with it, as queſtioning what was the deſign of it; but it was not long before the author's real intention was diſcovered. He began with ſuch bitter reflections on the Diſſenters, and their principles, that it was taken for the work of a violent Churchman for ſome time, and met with applauſe from ſome of that party in the two univerſities. The author, after his reflections, proceeds to tell the world, that the repreſentatives of the nation had now an opportunity, and perhaps the only one they ſhould ever have, to ſecure the Church of England, and deſtroy her enemies, under the favour and protection of a true Engliſh "queen:" That this was the time to pull up this heretical weed of ſedition, that had ſo long diſturbed the peace of the Church, and poiſoned the good corn: That, if it ſhould be objected, that this renewing fire and faggot would be cruelty, and accounted barbarous, he anſwered, that it is cruelty to kill a ſnake or a toad in cold blood; but the poiſon of their nature makes it a charity to our neighbours to deſtroy thoſe creatures, not for any perſonal injury

The commons had now paſſed a bill in favour of thoſe who had not taken the oath abjuring the pretended prince of Wales, by the day that was named; granting them a year longer to conſider of it; for it was ſaid, that the whole party was now come intirely into the queen's intereſts; though, on the other hand, it was given out, that agents were come from France, on deſign to perſuade all perſons to take the abjuration, that they might become capable of employments, and ſo might in time be a majority in parliament; and by that means the act of ſucceſſion, and the oath impoſed by it, might be repealed. When the bill for thus prolonging the time was brought up to the lords, a clauſe was added, qualifying thoſe perſons, who ſhould, in the new extent of time, take the oaths, to return to their benefices or employments, unleſs they were already legally filled. When this was agreed, two clauſes of much greater conſequence were added to the bill. One was, declaring it high-treaſon to endeavour to defeat the ſucceſſion to the crown, as it was now limited by law, or to ſet aſide the next ſucceſſion. This had a precedent in the former reign, and therefore it could not be denied now. It ſeemed the more neceſſary, becauſe there was another perſon who openly claimed the crown; ſo that a further ſecurity might well be inſiſted upon. This was a great ſurprize to many, who were viſibly uneaſy at the motion; but were not prepared for it, and did not ſee how it could be reſiſted. The other clauſe was, for ſending the abjuration to Ireland, and obliging all there (in the ſame

Anne. 1702.

A farther ſecurity to the Proteſtant ſucceſſion.

ry received, but for prevention: Not for the evil they have done, but the evil they may do. And that, as ſerpents, toads, and vipers, are noxious to the body, and poiſon the ſenſitive life, ſo the Diſſenters poiſon the ſoul, corrupt our poſterity, inſnare our children, deſtroy the vitals of our happineſs, our future felicity, and contaminate the whole maſs; and therefore they are to be rooted out of this nation, if ever we would live in peace, ſerve God, and enjoy our own.

The commons, after the author and his deſign were diſcovered, ordered the pamphlet to be burnt by the common hangman, and de Foe to be proſecuted. He pleaded for himſelf, that he gave the violent Churchmen but their language, or, at leaſt, the ſenſe of their own expreſſions, when they talked of "hanging out bloody colours "and banners of defiance:" and ſhewed what many of their pamphlets and ſermons, as well as their converſation tended to. But de Foe was fined two hundred pounds, and put in the pillory. The earl of Nottingham is ſaid to offer him mercy, whilſt in Newgate, if he would diſcover who ſet him to write this pamphlet.

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Anne. 1702. manner as in England) to take it. This ſeemed the more reaſonable, conſidering the ſtrength of the Popiſh intereſt there. Both clauſes paſſed in the houſe of lords, without any oppoſition; but it was apprehended, that the commons would not be ſo eaſy; yet, when it was ſent to them, they ſtruggled only againſt the firſt clauſe, that barred the return of perſons, upon the taking the oaths, into places, that were already filled. The party tried their ſtrength upon this, and, upon their ſucceſs in it, they ſeemed reſolved to diſpute the other clauſe; but it was carried, though only by one voice, to agree with the lords. When the clauſe relating to the ſucceſſion was read, Sir Chriſtopher Muſgrave tried, if it might not be made a bill by itſelf, and not put as a clauſe in another bill; but ſeeing the houſe was reſolved to receive both clauſes, he did not inſiſt on his motion. Every body was ſurprized to ſee a bill, that was begun in favour of the Jacobites, turned ſo terribly upon them; ſince by it a new ſecurity was given, both in England and Ireland, for a Proteſtant ſucceſſor.

At this time, the earl of Rocheſter quitted his place of lord-lieutenant of Ireland (c). He was uneaſy at the preference, which the duke of Marlborough had in the queen's

(c) The ducheſs of Marlborough, in the 'Account of her 'Conduct,' p. 142, tells us, that this earl was the firſt of the Tory leaders, who diſcovered a deep diſcontent with the queen and the adminiſtration; and reſigned the lieutenancy of Ireland 'in great wrath, upon her ma'jeſty's being ſo unreaſonable, as to preſs him to go thither to attend the affairs of that kingdom, which greatly needed his preſence. For, as the revenue, which had been formerly granted, was out, it was neceſſary to call a parliament, in order to another ſupply; and a parliament could not be held without a lord-lieutenant. But, when the queen repreſented theſe things to him, he told her, with great inſolence, 'That he would 'not go to Ireland, though ſhe 'would give the country to him 'and his ſon;' ſo that he ſeemed to have accepted the poſt, only that he might reign in Ireland by the miniſtry of his brother Keightley, as he hoped to do in England in perſon. Nor could he, after his reſignation, overcome his anger ſo far, as to wait upon the queen, or go to council; which ſhe obſerving, ordered, after ſome time, that he ſhould no more be ſummoned, ſaying, 'That it was 'not reaſonable he ſhould come 'to council only when he plea'ſed.' It was generally thought, and with good reaſon, that the true ſource of his diſſatisfaction was, the queen's not making him her ſole governor and director, and lord Godolphin's being preferred before him for the treaſury.

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confidence, and at the lord Godolphin's being made lord-treaſurer. It was generally believed, that he was endeavouring to embroil affairs, and laying a train of oppoſition in the houſe of commons. The queen ſent a meſſage to him, ordering him to make ready to go to Ireland; for it ſeemed very ſtrange, eſpecially in time of a war, that a perſon, in ſo great a poſt, ſhould not attend upon it. But he, after ſome days adviſing about it, went to the queen, and deſired to be excuſed from that employment. This was readily accepted, and upon that he withdrew from the councils; and his poſt of lord-lieutenant was (as hath been ſaid) conferred on the duke of Ormond. Anne. 1702.

Inquiry into the public accounts. Pr. H. C. III. 247. Burnet.

The report of the commiſſioners, appointed to take the public accounts, was a buſineſs that took up much time in this ſeſſion, and occaſioned many debates. They pretended that they had made great diſcoveries. They began with the earl of Ranelagh, as paymaſter-general of the army, and drew up a narrative, wherein they charged him with great miſmanagements. The earl had been paymaſter of the army in king James's time; and, being very fit for the poſt, he had been continued all the laſt reign: He had lived high, and ſo it was believed, his appointments could not ſupport ſo great an expence: He had an account of one and twenty millions lay upon him: It was given out, that a great deal of the money, lodged in his office, for the pay of the army, was diverted to other uſes, diſtributed among favourites, or given to corrupt members of parliament; and that ſome millions had been ſent over to Holland: It had been often ſaid, that great diſcoveries would be made, whenſoever his accounts were looked into: And that he, to ſave himſelf, would lay open the ill practices of the former reign. But now, when all was brought under a ſtrict examination, a few inconſiderable articles, of ſome hundreds of pounds, was all that could be found to be objected to him: And, even to theſe, he gave clear and full anſwers. At laſt they found, that, upon the breaking of a regiment, a ſum, which he had iſſued out for its pay, had been returned to his office, the regiment being broke ſooner than that pay was exhauſted: And that no entry of this was made in his accounts. To this he anſwered, that his officer, who received the money, was, within three days after, taken ſo ill of a conſumed ſtone, that he never came again to the office, but died in great miſery: And, during thoſe three days, he had not entered that ſum in the books. Lord Ranelagh acknowledged, that he was liable to account for all the money that was received by his under-officers;

Anne. 1702. officers; but here was no crime or fraud designed; yet this was ſo aggravated, that he ſaw his good poſt was his greateſt guilt: He therefore quitted his place, which being divided, Mr. Howe was appointed pay-maſter of the guards and garriſons at home, as being the more laſting poſt; and Sir Stephen Fox, pay-maſter of the forces beyond ſea. Upon this, all the clamour raiſed againſt the earl of Randlagh ceaſed; however, the commons vindicated the report of the commiſſioners by a vote, and, to make a ſhew of ſeverity, expelled the earl the houſe, on the 7th of February, 'for a high 'crime and miſdemeanor, in miſapplying ſeveral ſums of the 'public money.' But, upon all this canvaſſing, he appeared much more innocent than even his friends had believed him.

The clamour againſt the former reign ſtill kept up. Pr. H. C. III. 260.

The clamour that had been long kept up againſt the former miniſtry, as devourers of the public-treaſure, was of ſuch uſe to the prevailing party, that they reſolved to continue it, by all poſſible methods: So a committee of the houſe of commons prepared a long addreſs to the queen, reflecting on the ill management of the funds upon which they laid the great debt of the nation, and not upon the deficiencies. This was branched out into many particulars, which were all heavily aggravated. Yet, though a great part of the outcry had been formerly made againſt Ruſſel, treaſurer of the navy, and his office, they found not ſo much as a colour to fix a complaint there: Nor could they charge any thing on the chancery, the treaſury, and the adminiſtration of juſtice. Great complaints were made of ſome accounts that ſtood long out, and they inſiſted on ſome pretended neglects, the old methods of the exchequer not having been exactly followed: Though it did not appear that the public ſuffered in any ſort by theſe failures. They kept up a clamour likewiſe againſt the commiſſioners of the prizes, though they had paſt their accounts as the law directed, and no objection was made to them. The addreſs was full of ſevere reflections and ſpiteful inſinuations, and it was thus carried to the queen, and publiſhed to the nation, as the ſenſe of the commons of England.

The lords, to prevent the ill impreſſions this might make, appointed a committee, to examine all the obſervations that the commiſſioners of accounts had offered to both houſes. They ſearched all the public offices, and were amazed to find, that there was not one article of any importance, in thoſe obſervations, or in all the commons addreſs to the queen, but what was falſe in fact. They found, that the deficiencies in the former reign were of two ſorts: The one

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was of ſums, that the commons had voted, but for which they had made no ſort of proviſion: The other was, where the ſupply, that was given, fell ſhort of the ſum, at which it was eſtimated; and between theſe two the deficiencies amounted to fourteen millions. This was the root of all the great debt, that lay on the nation. They examined into all the pretended miſmanagement, and found, that what the commons had ſtated ſo invidiouſly, was miſtaken; ſince king William and his miniſters had been ſo far from miſapplying the money, that was given for public occaſions, that the king had applied three millions to the public ſervice, which by law was his own money, of which they made up the account. They found alſo, that ſome ſmall omiſſions, in ſome of the forms of the exchequer, were of no conſequence, and neither had nor could have any ill effect. And, whereas a vaſt clamour was raiſed againſt paſſing accounts by privy-ſeals, they put an end to that effectually, when it appeared on what ground this was done. By the ancient methods of the exchequer, every account was to be carried on, ſo that the new officer was to begin his account with the balance of the former account. Sir Edward Seymour, who had been treaſurer of the navy, owed, by his laſt account, an hundred and eighty thouſand pounds; and he had received, after that, an hundred and forty thouſand pounds, for which the accounts were never made up. It was not poſſible therefore for thoſe, who came after him, to be liable for his accounts, the treaſury of the navy, in the laſt reign, were obliged to take out privy-ſeals for making up their accounts. Theſe imported no more, than that they were to account only for the money, which they themſelves had received; for, in all other reſpects, their accounts were to paſs according to the ordinary methods of the exchequer. Complaints had alſo been made of the remiſneſs of the lords of the treaſury, or their officers, appointed to account with the receivers of counties for the aids that had been given. But when this was examined, it appeared, that this had been done with ſuch exactneſs, that, of the ſum of twenty-four millions, for which they had accounted, there was not owing above ſixty thouſand pounds, and that was, for the moſt part, in Wales, where it was not thought adviſable to uſe too much rigour in miſing it; and of that ſum, there was not above fourteen thouſand pounds that was reckoned as loſt. The collectors of the cuſtoms likewiſe anſwered all the obſervations made on their accounts ſo fully, that the houſe of commons was ſatisfied with their anſwers, and diſmiſſed them without ſo much as a reprimand. All

Anne. 1702.

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Anne. 1702. this was reported to the houſe of lords; and they laid it before the queen in an addreſs, which was afterwards printed; with the vouchers to every particular. By this means it was made out, to the ſatisfaction of the whole nation, how falſe thoſe reports were, which had been ſo induſtriouſly ſpread, and were ſo eaſily believed by the greater part; for the bulk of mankind will be always apt to think, that courts and miniſters ſerve their own ends, and ſtudy to inrich themſelves at the public coſt. The examination held long, and was proſecuted with great exactneſs, and had all the effects that could be deſired from it; for it ſilenced that noiſe, which king William's enemies had raiſed, to aſperſe him and his miniſters (f). With this the ſeſſion ended, and the queen, on the

(f) Thoſe readers, who deſire a fuller account of theſe matters, will find it in the following extract:

On the 18th of January, Mr. St. John, from the commiſſioners of the public accounts, preſented to the houſe of commons a general ſtate of receipts and iſſues of the public revenue, between the feaſt of St. Michael, 1700, 1701, and 1702, with obſervations thereupon. This having been taken into conſideration the following days, and, Mr. Bridges, one of the commiſſioners, having, on the 25th, preſented to the houſe an account of both the loans and payments on the votes of that houſe, in February 1700; and of the produce of twenty-five per cent. on French goods, and the application of the ſame, it was then reſolved, 'That the borrowing of money, and ſtriking tallies with intereſt unneceſſary, before the public occaſions required the ſame, had been one reaſon of the great debt, which lay upon the nation: And that the applying of the public money to the uſe of the civil liſt, which was otherwiſe provided for, was another cauſe of that great debt.' The next day, colonel Bierley, from the commiſſioners, preſented to the houſe their report, purſuant to an order of the houſe, by which they were directed to examine the auditor and other officers of the exchequer, relating to the paſſing of the accounts of the public money, and to lay before the houſe what they ſhould find to be the cauſe, that the accounts were not annually and duly paſſed, according to the laws in that caſe, and through whoſe default it had happened. This report, and ſeveral paragraphs of the commiſſioners obſervations, being read, the houſe reſolved, 1. That Charles lord Halliſax, auditor of the receipt of the exchequer, had neglected his duty, and was guilty of a breach of truſt, in not tranſmitting the impreſt-rolls half-yearly to the king's remembrancer, according to the act made in the ſeſſion of parliament, held in the 8th and 9th years of his late majeſty's

the 27th of February, after having given the royal aſſent to all the bills that were ready, made the following ſpeech to both houſes: Anne. 1702.

"My

'jeſty's reign, intitled, "An "act for the better obſervation "of the courſe anciently uſed "in the receipt of exchequer." 2. That the allowing accountants the charges of law-ſuits, 'to determine the right of their 'officers, was a miſapplication 'of the public money. 3. That 'the auditors of the impreſt 'had been guilty of a great ne'glect of their duty, in not cer'tifying to the king's remem'brancer the neglect of the ſe'veral annual accounts, that 'the proceſs might go out 'againſt them. And, 4. That 'there had been a general miſ'management of the public mo'ney, by not obliging account'ants to make up their ac'counts, and by continuing re'ceivers in ſeveral counties, con'trary to law, who had ne'gleated to make up their ac'counts in due time, which 'had been a great abuſe of the 'public, and another cauſe of 'the great debt that lay upon 'the nation.' On the 27th, the commons, having proceeded in the further conſideration of the obſervation of the commiſſioners of public accounts, reſolved, 1. That the money impreſt out 'of the exchequer for the ſer'vice of the public, ought to 'be kept by the reſpective offi'cers in their own cuſtody, un'til the ſame ſhall be paid to 'the uſes, for which it was di'rected. 2. That Charles lord 'Halliſax, auditor of the receipt 'of exchequer, had been guilty 'of a breach of truſt, in not ex'amining, every three months, 'the tellers' vouchers for the 'payments upon the annuities, 'which he allowed in his 'weekly certificates, according 'to the forementioned act of 'parliament. 3. That the re'ſolutions relating to the lord 'Halliſax be laid before her 'majeſty. And, 4. That an 'addreſs be preſented to her 'majeſty, that ſhe would be 'pleaſed to give directions to 'the attorney-general to proſe'cute him for the ſaid offences.' On the 7th of February, colonel Granville acquainted the houſe, that the queen had been pleaſed to ſay, 'That ſhe would ſend 'to the attorney-general, and 'give him her directions purſu'ant to this addreſs.'

On the other hand, the lords, before whom Mr. Gregory King, ſecretary to the commiſſioners of accounts, had, on the 15th of January, laid an account of the general ſtate of the receipts and iſſues of the public revenue, from the feaſt of St. Michael 1700, to the ſame feaſt in 1702, with their obſervations thereupon, ordered, on the 1ſt of February, that the commiſſioners of accounts ſhould lay before their lordſhips what further obſervations they had made in relation to the ſaid accounts. The next day the lords took the book of public accounts into conſideration, and read the firſt paragraph of the commiſſioners obſervations; which, relating

" My lords and gentlemen,

" I Return you my hearty thanks for the great diſpatch you " have given to the public affairs in this ſeſſion, which is " an advantage extremely material at all times, and I hope " we ſhall find the fruits of it this year, in the forwardneſs of " our preparations.

" I am

to the lord Hallifax, his lordſhip was heard thereto. Then Mr. King delivered at the bar the commiſſioners of accounts farther obſervations; and at the ſame time the queen's remembrancer laid before their lordſhips the impreſt-rolls tranſmitted to him ſince November 1699. This being done, a committee was appointed to conſider of the obſervations delivered firſt to their lordſhips from the commiſſioners of accounts; and it was ordered, 'That the queen's remembrancer ſhould, the next 'day, bring before the ſaid committee the impreſt-rolls tranſmitted to him ſince the 20th 'of April 1697, being the time, 'from which the act commenced; And, ſecondly, 'That 'the commiſſioners for public accounts ſhould have notice, 'that their lordſhips had appointed a committee to conſider of their obſervations.' On the 3d of February, Mr. Barker, deputy to her majeſty's remembrancer, brought the other impreſt-rolls, as ordered the day before; which were delivered to the committee, and the duke of Somerſet reported from the ſaid committee, that they had taken the firſt obſervation into conſideration, in relation to the auditor of the exchequer: That, though the commiſſioners of accounts had notice of the committee's ſitting, yet none of them attended; and therefore the committee was of opinion, that a meſſage be ſent to the houſe of commons, that they might have leave to attend; which meſſage was, on the 4th of February, ſent accordingly. On the 5th, the commons, having taken the ſaid meſſage into conſideration, appointed a committee to inſpect the journals, and to ſearch precedents relating to what had been done upon the lords deſiring members of the houſe of commons to attend the houſe of lords, and in relation to the lords inſpecting and examining accounts. And the ſame day the duke of Somerſet made the following report: 'The committee appointed to 'conſider of the obſervations in 'the book of accounts delivered 'into this houſe, have made 'ſome progreſs in conſidering 'the ſaid obſervations, and take 'leave to acquaint this houſe, 'that they have examined into 'the firſt of theſe obſervations; 'and alſo the further obſervations delivered into this houſe, 'the 2d inſtant, relating to the 'tranſmitting the ordinary impreſt-rolls to the queen's remembrancer. They have inſpected ſeveral of the original 'impreſt-rolls delivered into the 'houſe

" I am to thank you, gentlemen of the houſe of commons, in particular, for the ſupplies, with which you enable me to carry on the war. It ſhall be my care to have them ſtrictly applied to the uſes, for which you have deſigned them, and to the beſt advantage for the public ſervice. You have repoſed great confidence in me, by allowing ſo unuſual a latitude, as you have in the clauſe of appropriations. I ſhall improve all opportunities in the uſe of it, for the honour and true intereſt of the nation. Anne. 1702.

" I muſt

' houſe by Mr. Barker, deputy ' to her majeſty's remembrancer. ' They alſo examined divers of- ' ficers of the exchequer, and ' others, upon oath, and do ' find, that, by the ancient and ' uninterrupted courſe of the ex- ' chequer, two impreſt-rolls are ' to be made out for each year; ' the one comprehending all ' ſuch ſums impreſt from the end ' of Trinity-term to the end of ' Hilary-term; the other con- ' taining all ſuch ſums from that ' time to the end of Trinity- ' term; which rolls are com- ' monly called half-yearly-rolls, ' though improperly. They ' find, that, by the ancient ' courſe of the exchequer, theſe ' impreſt-rolls, being made out ' by the auditor of the receipt, ' are to be delivered by him to ' the clerk of the pells, whoſe ' duty it is to examine and ſign ' them; and this being done, ' the clerk of the pells delivers ' them to the remembrancer. ' This uſage was by degrees diſ- ' continued in the reign of king ' Charles the ſecond; and the ' remembrancer, or his agent, ' uſed to come to the office of ' the auditor of the receipt, and ' take away the impreſt rolls ' from thence immediately. But, ' in the time when the earl of ' Rocheſter was treaſurer, the ' ancient uſage was reſtored, and ' he did order, that the impreſt- ' rolls ſhould be carefully ex- ' amined and ſigned by the clerk ' of the pells, before they ſhould ' be tranſmitted to the remem- ' brancer; and accordingly, ' ſince that time, the ancient ' cuſtom has been obſerved, as ' well before as ſince the act of ' parliament made in the 8th and ' 9th years of his late majeſty, " for the better obſervation of " the courſe anciently uſed in " the receipt of the exchequer;" ' that is to ſay, the ſaid half- ' yearly rolls, when made out, ' and ſigned by the auditor, ' have been by him tranſmitted ' to the clerk of the pells; and ' when the clerk of the pells has ' examined and ſigned them, he, ' or his deputy, has delivered ' them to the remembrancer; ' and this appears by the re- ' membrancer's indorſement up- ' on the rolls. The committee ' finds, that Charles lord Halli- ' fax has been auditor of the ' receipt from the end of No- ' vember 1699, ſince which ' time ſix impreſt-rolls have been ' tranſmitted to the remem- ' brancer; and there is a ſe- ' venth roll now under exami- ' nation of the office of the

Anne. 1702. " I muſt further take notice to you, that the readineſs you " have ſhewn, in the proviſion made for the prince, is a very " ſenſible obligation to me.

" My

' pells, and no other roll can be ' prepared till after the 12th of ' this inſtant February. Upon ' the whole matter, the commit- ' tee are humbly of opinion, ' that Charles lord Halliſax, ' auditor of the receipt of the ' exchequer, hath performed the ' duty of his office, in tranſmit- ' ting the ordinary impreſt-rolls ' to the queen's remembrancer, ' according to the ancient cuſtom ' of the exchequer, and the di- ' rections of the act of the 8th ' and 9th Gulielm. III. and that ' he hath not been guilty of any ' neglect or breach of truſt upon ' that account.'

This report being read, as alſo the examination taken upon oath by the committee, and the dates and indorſements of the ſeveral impreſt-rolls delivered by Mr. Barker, the queſtion was put, ' Whether this houſe would ' agree to the opinion of the ' committee in this report?' Which being carried in the affirmative, it was reſolved and declared by the lords ſpiritual and temporal in parliament aſſembled, ' That Charles lord Hal- ' liſax, auditor of the receipt of ' the exchequer, hath performed ' the duty of his office, in tranſ- ' mitting the ordinary impreſt- ' rolls to the queen's remem- ' brancer, according to the an- ' cient cuſtom of the exchequer, ' and the direction of the act 8° ' & 9° Gulielmi III. regis, in- ' titled, "An act for the better " obſervation of the courſe an- " ciently uſed in the receipt of " the exchequer;" and that he ' hath not been guilty of any ne- ' glect or breach of truſt upon ' that account.' At the ſame time the lords ordered their proceedings in this affair to be immediately printed and publiſhed.

This vindication of the lord Halliſax gave great offence to the houſe of commons, who, on the 12th of February, ordered their committee to ſearch the journals of the houſe of lords, and report their lordſhips proceedings in relation to the ' ob- ' ſervations of the commiſſioners ' of accounts.' Purſuant to this order, colonel Granville, the next day, reported to the houſe, what the committee had found both in the lords journals relating to this affair, and in the journals of the houſe of commons relating to what had been done upon the lords deſiring members of the ſaid houſe to attend the houſe of lords; and in relation ' to the ' lords inſpecting and exami- ' ning public accounts.' This report being read, the commons ordered the ſame committee to draw up what was proper to be offered to the lords, at a conference upon the ſubject-matter of their lordſhips meſſage of the 4th inſtant, which the committee did accordingly in this manner: ' The commons cannot ' comply with your lordſhips ' deſires contained in your meſ-

' ſage

" My lords and gentlemen,

" I deſire and expect from you, that you make it your buſineſs in your ſeveral counties to continue and preſerve the " quiet and ſatisfaction of my ſubjects. I hope ſuch of them, " as have the misfortune to diſſent from the Church of Eng- " land,

' ſage of the 4th inſtant, becauſe ' the commons are ſtill of the ' ſame opinion, as was delivered ' to your lordſhips in February ' 1691, at a free conference ' upon the ſubject-matter of the ' amendments made by the lords ' to the additional bill, for the ' appointing and inabling com- ' miſſioners to examine, take, ' and ſtate the public accounts ' of the kingdom; when they ' deſired to know the end your ' lordſhips would propoſe to ' yourſelves by an enquiry into ' the public accounts. For, ' ſhould any miſapplication of ' money, or defaulk of diſtribu- ' tion, appear in the accounts, ' your lordſhips cannot take cog- ' nizance thereof originally, or ' otherwiſe, even in your judi- ' cial capacity, than at the com- ' plaint of the commons. And, ' ſhould a failure or want of ' money appear, it is not in ' your lordſhips power to redreſs ' it, for the grant of all aids is ' in the commons only; or, if ' there be any ſurpluſage, the ' commons only can apply it to ' the charge of the enſuing year. ' But, ſhould the commons give ' leave to the commiſſioners to ' attend your lordſhips, no in- ' formation, they can give a- ' gainſt any perſon whatſoever, ' can intitle your lordſhips ei- ' ther to acquit or condemn. ' Yet, ſince this meſſage, the ' commons find in your lordſhips ' journals a reſolution, decla- ' ring, " That Charles lord " Halliſax, auditor of the re- " ceipt of the exchequer, has " performed the duty of his of- " fice, &c." which looks to the ' commons, as if your lordſhips ' pretended to give a judgment ' of acquittal, without any ac- ' cuſation brought before your ' lordſhips, and conſequently " without any trial. And that, ' which makes your lordſhips ' proceeding yet more irregular, ' it tends to prejudging a cauſe ' which might regularly have ' come before you, either ori- ' ginally by impeachment, or ' by writ of error from the ' courts below. And therefore ' the commons can ſee no uſe of ' their reſolution, unleſs it be ' either to intimidate the judges, ' or prepoſſeſs a jury. But, if ' your lordſhips could have ' judged in this matter, it does ' not appear by your lordſhips ' journals, that you have had ' under your examination the ' reſpective times of tranſmitting ' the ſeveral impreſt-rolls to the ' queen's remembrancer; with- ' out which it is impoſſible to ' know, whether the auditor of ' the receipt has done his duty ' according to the late act of ' parliament.' Theſe reaſons being reported, on the 16th of February, by colonel Granville, and afterwards read and approved by the houſe, a meſſage was

Anne 1702. « land, will reſt ſecure and ſatisfied in the act of toleration, « which I am reſolved to maintain; and that all thoſe, who « have the happineſs and advantage to be of the Church of « England, will conſider, that I have had my education in « it, and that I have been willing to run great hazards for « its

immediately ſent to the lords, to deſire a conference; to which the lords having the next day agreed, the managers for the commons delivered the ſaid reaſons to their lordſhips. The lords, upon this, on the 18th, came to the following reſolutions: Firſt, 'That the lords 'have an undoubted right '(which they can never ſuffer 'to be conteſted) to take cog-'nizance originally of all pub-'lic accounts, and to enquire 'into any miſapplication or de-'fault in the diſtribution of pub-'lic monies, or into any other 'miſmanagement whatſoever. 'Secondly, That the lords, in 'their inquiry into, and exami-'nation of the obſervations of 'the commiſſioners of accounts, 'in relation to Charles lord Hal-'lifax, and in their reſolution 'thereupon, had proceeded ac-'cording to the rules of juſtice, 'and the evidence that was 'before them. And, thirdly, 'That the commons, in their 'reaſons delivered at the laſt 'conference, had uſed ſeveral 'expreſſions and arguments 'highly reflecting, and altoge-'ther unparliamentary, tending 'to deſtroy all good correſpon-'dence between the two houſes, 'and to the ſubverſion of the 'conſtitution.'

The queen, being apprehenſive of the conſequence of theſe differences between the two houſes, ſent a meſſage to the lords, on the 22d of February, by the earl of Nottingham, to make a quick diſpatch with the buſineſs before them; and the ſame day their lordſhips communicated the above-mentioned reſolution to the commons at a conference, which their lordſhips had deſired and appointed. The commons, having the next day taken the ſame into conſideration, reſolved, That a free conference be deſired with the lords upon the ſubject-matter of the two laſt conferences; and ordered their managers to conſider of what heads were fit to be urged at the ſaid free conference, which they accordingly did, and the ſaid heads were as follow: 1. 'That no cogni-'zance, the lords can take of 'the public accounts, can ina-'ble them to ſupply any defi-'ciency, or apply any ſurplu-'ſage of the public money.' 2. 'That the lords can neither ac-'quit or condemn any perſon 'whatſoever, upon any inquiry 'ariſing originally in their own 'houſe. 3. That the attempt 'the lords have made, to acquit 'Charles lord Halifax, auditor 'of the receipt of the exchequer, 'is unparliamentary, and not 'warranted by any precedent: 'And the reſolution thereupon 'plainly contrary to what ap-'pears on the records them-'ſelves. 4. That the conference, 'deſired by the commons, was 'in order to preſerve a good cor-

'reſ-

" its preſervation; and therefore they may be very ſure, I Anne.
" ſhall always make it my own particular care to encourage 1702.
" and maintain this Church, as by law eſtabliſhed, and every
" the leaſt member of it, in all their juſt rights and privileges;
" and, upon all occaſions of promotions to any eccleſiaſtical
" dignity,

'reſpondence between both 'houſes, by offering reaſons to 'prevent the lords from pro-'ceeding in a caſe, which they 'had no precedent to warrant; 'and the commons expreſſing 'the conſequences they appre-'hend might follow from that 'reſolution, was neither reflect-'ing nor unparliamentary, nor 'tending to deſtroy the good 'correſpondence between the 'two houſes; and much leſs to 'the ſubverſion of the conſtitu-'tion: And, 5. That the lords 'delivering at a conference their 'reſolutions, inſtead of reaſons, 'in anſwer to the reaſons of the 'commons, is not agreeable to 'the ancient rules and methods 'of parliament obſerved in the 'conferences between the two 'houſes.' Theſe heads being reported by colonel Granville on the 25th, and then read, and approved by the houſe, a meſ-ſage was ſent to the lords, to deſire a free conference with their lordſhips, who appointed the ſame immediately in the Painted Chamber, and named the lord Steward, the earl of Carliſle, and the lords Herbert, Halliſax and Ferrers, to be their managers.

The managers for the commons, at the head of whom was Mr. Finch, opened the particulars, which they had in direction to inſiſt on; adding, 'That, when they acquainted their 'lordſhips, that the expreſſing 'the conſequences, which they 'apprehended might follow 'from their lordſhips reſolu-'tions, it was not a charge upon 'their lordſhips, that they in-'tended that conſequence, but 'they would have been very 'glad their lordſhips would have 'been pleaſed to have let them 'know, what uſe was to be 'made of it, or what they in-'tended by it:' And concluded, 'That, if their lordſhips did 'controvert any of theſe points, 'they were ready to maintain 'them.' The lords made no anſwer to any of theſe particu-lars, except to the matter of the reſolution relating to the lord Halliſax, upon which they ac-knowledged, 'That they were 'no court of inquiry to form 'any accuſation: That their 'proceeding in relation to that 'lord was no trial, nor was 'their reſolution any judgment 'or acquittal; but that he might 'ſtill be proſecuted as before. 'But that, which gave occaſion 'to that proceeding, was the 'reſolution of the houſe of com-'mons, which they found in 'the printed votes, reflecting 'upon a member of their houſe, 'and thereupon they thought 'fit to give their opinion, which 'they did in their legiſlative au-'thority.'

The managers for the commons replied, 'That their lord-

Anne. 1702. " dignity, I ſhall have a very juſt regard to ſuch, as are eminent and remarkable for their piety, learning, and conſtant " zeal for the Church; that by this, and all other methods, " which ſhall be thought proper, I may tranſmit it ſecurely " ſettled to poſterity.

" I think

' ſhips having in their reſolu-
' tions declared, that they had
' proceeded according to the
' rules of juſtice, and the evi-
' dence that was before them,
' the commons could put no
' other interpretation upon it,
' than that it was intended as a
' Judgment: And no Judgment
' could be made, where there
' was no Accuſation; and, if
' it was not a Judgment, they
' could not imagine what it did
' tend to. As to their lordſhips
' delivering their opinion, that
' it was againſt the rules of any
' court, that any judge whatſo-
' ever ſhould deliver his opinion
' in a cauſe, that might come
' before him; and that this mat-
' ter might hereafter come ju-
' dicially before their lordſhips.
' That there was a great diffe-
' rence between the vote of the
' commons and the reſolution of
' the lords. That the vote of
' the houſe of commons was but
' in order to a proſecution,
' which they can never vote
' without declaring the crime,
' and they can never come to be
' judges of it. That the houſe
' of commons is the grand in-
' queſt of the nation, and every
' grand-jury, that finds Billa
' Vera upon an indictment, does
' by that declare the man guilty.
' But that the lords have a ju-
' dicial capacity, and their reſo-
' lution, before an accuſation
' brought, is prejudging the
' cauſe, that may come regu-
' larly before them. As to the
' obſervation the commons
' made, that the lords had not
' examined the reſpective times
' of tranſmitting the impreſt-
' rolls to the queen's remem-
' brancer, the commons mana-
' gers ſaid, That, as their lord-
' ſhips reſolution was no judg-
' ment, ſo this conference was
' no trial. But, to ſhew the
' miſtake of their lordſhips reſo-
' lution, they obſerved, the date
' upon the ſeveral impreſt-rolls,
' that had been tranſmitted to
' the remembrancer; and that
' they apprehend there were
' ſtill two wanting: That the
' three laſt, that were tranſmit-
' ted, came not to the remem-
' brancer till January laſt; the
' two firſt on the 23d, the laſt
' on the 27th; and that the firſt
' of theſe three impreſt-rolls was
' money impreſt to the 21ſt
' of February 1700, and ſaid to
' be in the firſt year of queen
' Anne; which ſhewed, that the
' roll was ſo far from being exa-
' mined or tranſmitted in time,
' that it was not made up till
' ſince her majeſty came to the
' crown. That, as the cuſtom
' formerly had been to ſet down
' the time of the examination of
' thoſe rolls, ſince Mr. Charles
' Montague came in to be au-
' ditor, he ſet down the month,
' but not the day: And, ſince
' the lord Halifax was auditor,
' he had ſet down neither month
' nor day; and that, by his
' example,

" I think it might have been for the public ſervice to have Anne.
" had ſome further laws for reſtraining the great licence, 1702.
" which is aſſumed, of publiſhing and ſpreading ſcandalous
" pamphlets and libels: But, as far as the preſent laws will
" extend, I hope you will all do your duty in your reſpective
" ſtations, to prevent and puniſh ſuch pernicious practices.
" Above all other things, I do recommend to you peace and
" union among ourſelves, as the moſt effectual means that
" can be deviſed, to diſcourage and defeat the deſigns of our
" enemies.

" I muſt

' example, on the three laſt in-
' tereſt-rolls, the clerk of the
' pells had put no time at all.'

To this the lord Halifax, in his own defence, replied, 'That
' the lords reſolution was well
' founded, ſince they had the
' rolls themſelves before them,
' and proof upon oath. That,
' by the words of the act, the
' auditor was to tranſmit the
' impreſt-rolls to the remem-
' brancer half-yearly, according
' to the uſual courſe of the ex-
' chequer; which is eight
' months and four months.
' That it was not his duty to
' tranſmit them immediately to
' the remembrancer, becauſe he
' was to ſend them to the clerk
' of the pells, who is to examine
' and ſign them. That it could
' not be imagined, that the au-
' ditor ſhould be tied to a certain
' time to tranſmit the rolls to
' the remembrancer, becauſe
' they muſt firſt go through ano-
' ther hand; and he never took
' it, where was any occaſion to
' put down the time he exami-
' ned them, for that would ap-
' pear from the time of the deli-
' very and date of the roll. That
' there was one examined by
' the clerk of the rolls, the 4th
' of July, which he did not take
' to be the auditor's fault, but to
' be the duty of the clerk of the
' pells to deliver them. That
' every body knew the great
' trouble, that had been given
' in his, as well as other offices,
' by the commiſſioners of ac-
' counts; and that no loſs had
' happened by not tranſmitting
' theſe rolls, no proceſs having
' been iſſued forth for many
' years upon them.'

The managers for the commons ſaid, 'That, though half-
' yearly ſhould be taken for
' eight months and four months,
' yet by that they muſt be tranſ-
' mitted twice a year; and ſo
' he had failed in his duty in
' that reſpect. That to conſtrue
' the ancient courſe of the ex-
' chequer in the act of parlia-
' ment, to be meant, that the
' clerk of the pells ſhould tranſ-
' mit the rolls, was a direct con-
' tradiction to the act, that ſays,
" the auditor ſhall do it." That
' the ancient courſe of the ex-
' chequer having not been ob-
' ſerved, what the occaſion of
' making that law; and that
' they thought laws were to be
' obſerved. That indeed no
' proceſs could iſſue till the rolls
' were tranſmitted, and poſſibly
' might be the ground the ac-

' counts

Anne. 1702.

" I must not conclude without acquainting you, I have given directions, that my part of all the prizes which have been or shall be taken during this war, be applied entirely to the public service; and I hope my own revenue will not fall so short, but that I may be able, as I desire to contribute yet further to the ease of my people."

After which the lord-keeper, by her majesty's command, prorogued the parliament to Thursday the 22d of April following.

Several bills moved this session, but not finished. Hist. of Eu. Vol. VII.

Several bills had been moved this session (some of which passed the commons) but were not finished. On the 23d of December, Sir Edward Seymour moved for leave to bring in a bill " to resume all the grants made in king William's " reign, and applying them to the use of the public." This was carried by a majority of one hundred and eighty against seventy-eight, though the bill was afterwards dropped by the commons themselves. At the same time it was moved by Mr. Walpole, " That all the grants, made in the reign of " the late king James, should also be resumed." But this by the same commons was passed in the negative. Sir John Holland then made a motion to bring in a bill " for the " more free and impartial proceedings in parliament, by " providing, That no person whatsoever in office or employ- " ment should be capable of sitting in parliament," which also passed in the negative. How, Musgrave, Seymour, &c. who had so vehemently pushed the like bill in king William's reign, were now as warm in opposing this, and instead of it carried a bill " for the more free and impartial proceedings " in parliament, by providing, that no person shall be chosen a member, but such as have a sufficient real estate." This bill was rejected by the lords, on the 22d of February.

' counts had been so long un-
' passed, to the prejudice of the
' public. And that, in his lord-
' ship's apprehension, there was
' no loss to the public by not
' transmitting the rolls, might
' probably be the reason of his
' lordship's neglecting his duty.'

Here the free conference broke up; and, the members being returned to their respective houses, the commons ordered their managers to draw up a report of the said free conference; and then a motion was made, ' That the votes of this ' house should not be printed ' and that this might be a standing order;' which was carried in the affirmative. The lords, on the contrary, ordered their proceedings, in relation to the Public Accounts, to be immediately printed; whereupon the commons resolved to publish their proceedings likewise.

In

In this ſeſſion the lords had rendered themſelves very conſiderable, and had gained an univerſal reputation over the nation. It is true, thoſe who had oppoſed the perſons, that had carried matters before them in this ſeſſion, were ſo near them in number, that things of the greateſt conſequence were carried only by one or two voices; and therefore, as it was intended to have a clear majority in both houſes in the next ſeſſion, the queen was prevailed with, ſoon after the prorogation, to create four new peers, who had been the moſt violent of the whole party. Accordingly John Granville was made baron Granville of Potheridge in the county of Devon; Heneage Finch, baron of Guernſey in the county of Southampton; Sir John Leviſon Gower, baron Gower of Sittenham in the county of York; and Francis Seymour Conway, youngeſt ſon of Sir Edward Seymour, baron Conway of Ragley in the county of Warwick, with a remainder to his brother Charles Seymour. Great reflections were made upon theſe promotions. When ſome ſevere things had been thrown out in the houſe of commons upon the oppoſition, that they met with from the lords, it was inſinuated, that it would be eaſy to find men of merit and eſtate to make a clear majority in that houſe. This was an open declaration of a deſign to put every thing into the hands and power of that party. It was alſo an incroachment on one of the tendereſt points of the prerogative, to make motions of creating peers in the houſe of commons. However, at the ſame time, John Harvey, who was of the oppoſite party, was created baron of Ickworth in the county of Suffolk, by the intereſt of the dutcheſs of Marlborough with the queen (a). The marquis of Normanby

Anne 1702.

Some new peers made. Burnet.

Conduct of the Dutcheſs Marlb.

(a) The dutcheſs obſerves, in 'the Account of her Conduct,' p. 127, that ſhe obtained the peerage for him, in ſpite of the oppoſition of the Tories, and eſpecially of the other four new peers made, for a while, refuſed the peerage, if Mr. Harvey, a Whig, was admitted to the ſame honour. The dutcheſs brings this as an inſtance of her differing from the queen in her notions about the Tories, to which ſhe adds a letter from the queen, to the ſame purpoſe.

'I am very glad to find by 'my dear Mrs. Freeman's, that 'I was bleſſed with yeſterday, 'that ſhe liked my ſpeech, but 'I cannot help being extremely 'concerned, you are ſo partial 'to the Whigs, becauſe I would 'not have you, and your poor, 'unfortunate, faithful Morley 'differ in opinion in the leaſt 'thing. What I ſaid, when I 'writ laſt upon this ſubject, 'does not proceed from any inſinuations of the other party; 'but I know the principles of 'the

Anne. 1702. manby was created duke of the ſame name, to which the title of duke of Buckinghamſhire was afterwards added (b).

Proceedings in the convocation. Burnet.

After the proceedings in the parliament, thoſe of the convocation, which was called with the parliament, are next to be related. Dr. Aldrich, dean of Chriſt-Church, was choſen prolocutor. At the firſt opening, there was a conteſt between the two houſes, that laſted ſome days, concerning an addreſs to the queen. The lower-houſe intended to caſt ſome reflections on the late reign, in imitation of what the houſe of commons had done, and theſe reflections were ſo worded, as moſt of the biſhops were pointed at by them; but the upper houſe refuſing to concur, the lower houſe receded; and both agreed at laſt in another addreſs, which

Nov. 6. was preſented to the queen, and in which they expreſſed their "great ſenſe of the favour and goodneſs of God, in "ſetting her majeſty on the throne of her anceſtors, and "making her the defender of that faith, of which ſhe had "been ſo glorious an ornament. They thanked her ma-

'the Church of England, and 'I know thoſe of the Whigs, 'and that it is that, and no 'other reaſon, which makes me 'think as I do of the laſt. And 'upon my word, my dear Mrs. 'Freeman, you are mightily 'miſtaken in your notion of a 'true Whig: For the character 'you give of them, does not 'in the leaſt belong to them, 'but to the Church. But I will 'ſay no more on this ſubject, 'only beg, for my poor ſake, 'that you would not ſhew more 'countenance to thoſe, you 'ſeem to have ſo much incli-'nation for, than to the Church 'party.'

(b) Other promotions were: The marquis of Caermarthen was made vice-admiral of the red; Graydon, vice-admiral of the white; Leake, vice admiral of the blue; Byng, rear-admiral of the red; Dilks, rear-admiral of the white; and Beaumont, rear admiral of the blue. On the 13th of March, three knights of the garter were inſtalled in St. George's chapel at Windſor: The elector of Hanover, by his proxy the lord Mohun; the duke of Bedford, in perſon; and the duke of Marlborough, by his proxy, Sir Benjamin Bathurſt. Two days after, the queen appointed the earl of Denbigh to be lord-lieutenant of the county of Leiceſter; the lord Guildford, of Eſſex; and the earl of Dyſert, of Suffolk. On the 20th of the ſame month, the archbiſhop of York, the earl of Thanet, and the lord Guernſey, were admitted into the privy council. The next day Jervaſe Pierrepoint was created baron Pierrepoint of Ardglaſs in Ireland; and, on the 24th, the earl of Rutland was made marquis of Granby, and duke of Rutland; and Edward Harley was, by the intereſt of his brother, the ſpeaker, appointed auditor of the impreſt, in the room of Thomas Done, deceaſed.

"jeſty

" jesty for her many gracious assurances of her unmoveable Anne.
" resolution to support and protect the Church of England, 1702.
" as by law established, and to continue it to future ages,
" by maintaining the succession of the crown in the Pro-
" testant line." And told her majesty, " That they pro-
" mised themselves, that, whatever might be wanting to
" restore the Church to its due rights and privileges, her
" majesty would have the glory of doing it, and of securing
" it to posterity." She told them in answer, " That their
" concurrence, in this dutiful address, was a good presage
" of their union in all other matters, which was very de-
" sirable for her service, and the good of the Church". But they did not answer her majesty's expectations. The former contest was soon revived. Many days were not passed, before the lower house applied to the archbishop of Canterbury and his suffragans, begging, that the matters in dispute, about which there had been differences in *two* late convocations, concerning the manner of synodical proceedings, and the right of the lower house to hold intermediate assemblies, might be taken into consideration, and speedily determined, that so business might not be hindered, nor the order and peace of the Church disturbed.

The bishops resolved to offer them all that they could, without giving up their character and authority. They pro- Nov. 13.
posed, that, in the intervals of sessions, the lower house might appoint committees to prepare matters, and, when business was brought regularly before them, the archbishop would so order the prorogations, that they might have sufficient time to sit and deliberate about it. This fully satisfied many of that body: But the majority still insisted on the right to hold assemblies, and continue to act as an house in the intervals of prorogations, and therefore renewed their re- Nov. 18.
quest, that something might be offered more effectual to the purpose intended.

On that day it was ordered by the house of commons, that Mr. Lloyd (son of the bishop of Worcester) should be prosecuted by the attorney-general, 'after his privilege as a 'member of the lower house of convocation was out.' This being taken notice of by the lower house of convocation, they, on the 20th of November, ordered, that their prolocutor, and three of their members, should wait on Mr. speaker of the honourable house of commons, to return their humble thanks to him, and to that most honourable house, for the great favour which they had on all occasions been pleased to express: And particularly for the great regard

which

Anne. 1702. which they of themſelves, without ſuggeſtion or ſollicitation, were pleaſed to have to the privileges of their houſe, in the caſe of one of their members, who had the misfortune to fall under their diſpleaſure. This was read to Mr. ſpeaker at his houſe, November 21, and the ſame day he read it in the houſe of commons; who thereupon paſſed a vote, by which it was reſolved, "That the houſe would on all occaſions "aſſert the juſt rights and privileges of the lower houſe of "convocation." Which made ſome conclude, that now they ſhould certainly carry their point. But the archbiſhops and biſhops, reſolving to ſtand their ground, the very next day, November 22, made anſwer to the lower houſe, that they thought they had offered what was ſufficient towards the ending the differences there had been between them. That they could not depart from the archbiſhop's right of proroguing the whole convocation, with conſent of his ſuffragans, according to conſtant uſage. That, by the ſame act, by which the convocation is prorogued, the whole buſineſs of the convocation is continued in the ſtate it is then in, to that farther day of the next ſeſſion. That they could not admit of their new claim; and that what had been offered, was ſufficient for the doing of any buſineſs to be done in convocation.

Dec. 2. Upon this the lower houſe, repreſenting it as not ſo reaſonable, that either houſe ſhould be judge over the other in its own cauſe, propoſed to refer the controverſy to the queen's deciſion, and to ſuch as ſhe ſhould appoint to hear and ſettle it.

Dec. 11. The biſhops anſwered, that they did not admire their affecting to expreſs themſelves in a manner, that ſets the two houſes on ſuch an equality, as was inconſiſtent with the Epiſcopal authority, and the archbiſhop's preſidency. That they reckoned themſelves ſafe and happy in the queen's protection, and would pay all due ſubmiſſion to her orders; but could not think it proper to trouble her with the controverſy: And that it was not in their power to part with any of thoſe rights veſted in them by the conſtitution of the Church, and the laws and cuſtoms of the realm. Indeed it would have been a ſtrange ſight, very acceptable to the enemies of the Church, chiefly to Papiſts, to ſee the two houſes of convocation pleading their authority and rights before a committee of council, that was to determine the matter. The lower houſe, perceiving that, by oppoſing their biſhops in ſo harſh as well as unheard-of a manner, they were repreſented as favourers of Preſbytery; to clear themſelves of that imputation,

tion, addreſſed the upper houſe the ſame day, ſignifying their concern to find themſelves aſperſed as ill-affected to the Metropolitical and Epiſcopal rights: And therefore they thought themſelves obliged to make and ſign the declaration annexed, praying their lordſhips not to credit any ſuch evil ſuggeſtions, and to cauſe their declaration to be entered in their books. Anne. 1702.

The ſubſtance of their declaration was, "Whereas they "have been ſcandalouſly and maliciouſly repreſented as fa- "vourers of Preſbytery, in oppoſition to Epiſcopacy, they "now declared, That they acknowledged the order of bi- "ſhops as ſuperior to preſbyters, to be of divine apoſtolical "inſtitution, and that they claimed no rights, but what they "conceived neceſſary to the very being of the lower houſe of "convocation."

The party, that voted together and kept their intermediate ſeſſions, ſigned this declaration; and, in an additional addreſs of the ſame day, deſired the biſhops to concur in ſettling the doctrine of the divine apoſtolical right of Epiſcopacy, that it might be the ſtanding rule of the Church. This was a plain attempt to make a canon or conſtitution, without obtaining a royal licence; which, by the ſtatute, confirming the ſubmiſſion of the clergy in Henry VIII's time, made both them and all who choſe them incur a præmunire. For this reaſon, many of the lower houſe, in a ſeparate addreſs to the archbiſhop, diſclaimed the Declaration, as apprehenſive of the danger of ſuch a proceeding, though they did not object againſt the truth of their doctrine, praying, that their diſſent might be entered in their books.

Whilſt the biſhops were conſidering of an anſwer to the addreſs and declaration, the lower houſe preſented a petition to the queen, ſhewing, that, after ten years interruption of holding convocations, ſeveral queſtions aroſe in that in 1700, concerning the rights and liberties of the lower houſe, and particularly about prorogations and adjournments. That, the upper houſe had refuſed a verbal conference. That, in the next convocation, the ſame queſtion took place, and that it was expected they ſhould abſolutely ſubmit to their lordſhips judgment, though in their own cauſe. That in this convocation, they had applied to their lordſhips to ſuggeſt a method to ſettle the matter: But, not ſucceeding, had offered to ſubmit it to her majeſty's determination, which their lordſhips alſo declined. They therefore fled for protection and relief to her majeſty, begging ſhe would call the queſtion into her own royal audience, &c. The queen promiſed Dec. 23.

Anne 1702. ſed to conſider their petition, and ſend them an anſwer as ſoon as ſhe could. By this means the matter was brought into the hands of the miniſtry; the earl of Nottingham was of their ſide, but confeſſed he underſtood not the controverſy. The judges and the queen's counſel were ordered to examine how the matter ſtood in point of law, which was thus ſtated to them: The conſtant practice, as far as there were books or records, was, that the archbiſhop prorogued the convocation by a ſchedule; of this the form was ſo fixed, that it could not be altered but by act of parliament. There was a clauſe in the ſchedule, that continued all matters before the convocation, in the ſtate in which they were, to the day to which he prorogued them. Hence it was evident, that there could be no intermediate ſeſſion, for a ſeſſion of the lower houſe could, by paſſing a vote in any matter, alter the ſtate it was in. What opinion the lawyers came to in this matter was kept a ſecret. It was not doubted but they were againſt the pretenſions of the lower houſe. The queen made no anſwer to their addreſs; and it was believed the reaſon was, becauſe the anſwer muſt, according to the opinion of the lawyers, have been contrary to what the lower houſe expected. And therefore the miniſters choſe rather to give no anſwer, and that it ſhould ſeem to be forgot, than that ſuch a one ſhould be given, as would put an end to the debate, which they intended to cheriſh and ſupport.

Mean while, the lower houſe looked on what they did in the matter of their declaration, as a maſter-piece; for, if the biſhops concurred with them, they reckoned they gained their points; and, if they refuſed it, they reſolved to make them, who would not come up to ſuch a poſitive aſſertion of the divine rights of Epiſcopacy, paſs for ſecret favourers of Preſbytery. But the biſhops ſaw their deſigns, and therefore Jan. 20. the archbiſhop ſent them for anſwer, that the preface to the form of ordination contained a declaration of three orders of miniſters from the apoſtles time, viz. biſhops, prieſts, and deacons, to which they had ſubſcribed: But that he and his brethren conceived, that, without a royal licence, they had not authority to attempt, enact, promulge, or execute any canon, &c. by whatever name it might be called, which ſhould concern either doctrine or diſcipline. And that this was the opinion of divers learned perſons in their own houſe. But that they took notice of their zeal for the Epiſcopal order, and hoped they would act agreeably to it in their future proceedings.

The

The lower house, on February 11, replied, That they wondered at their lordships caution: That they would not so much as satisfy the lower clergy, that they did not dissent from them, even in this point too. They took the freedom to tell their lordships, that they misrecited the statute of Hen. VIII, and signify to them, that declaring their sense concerning a truth in religion, speculative only, and without requiring either assent or obedience, was not forbidden by that act: And intimate their sorrow, that the reflections of ignorant and malicious men, of which they complained to their lordships, were rather likely to be confirmed by their lordships answer: And discover their resentment of the closing admonition, &c. After this reply, these matters were at a full stand, when the session came to an end by the prorogation of the parliament. Anne. 1702-3.

From those disputes in convocation, divisions ran through the whole body of the clergy, and, to fix these, new names were found out: They were distinguished by the names of HIGH CHURCH and LOW CHURCH. All that treated the Dissenters with temper and moderation, and were for residing constantly at their cures; and for labouring diligently in them; that expressed a zeal against the prince of Wales, and for the revolution; that wished well to the present war, and to the alliance against France, were represented as secret favourers of Presbytery, and as ill-affected to the Church, and were called 'Low Church-men:' It was said, that they were in the Church only while the law and preferments were on its side; but that they were ready to give it up, as soon as they saw a proper time for declaring themselves: With these false and invidious characters did the High party endeavour to load all those, who could not be brought into their measures and designs. Great divisions among the clergy. Burnet.

About this time the earl of Clarendon's history was put to the press, after it had lain bye thirty years, it being thought a proper season to publish it. For it was now become fashionable to cast reproach on her parliamentary right, on purpose to affront that of the late king, as well as the right of the house of Hanover. To do it the more effectually, the queen's heirship was traced down from Edward the Confessor, and, as a visible proof of it, the queen was put upon curing the King's-Evil, according to the divine gift, descended on all the hereditary kings from the Confessor. Care therefore was taken to insert it in the public news-papers, in one of which it was said: 'Yesterday the queen was graciously pleased to 'touch for the King's-Evil some particular persons in pri- Clarendon's history published. The queen touches for the Evil.

Anne. 1702-3.

'vate:' And, three weeks after, December 14, 'Yeſter-'day, about twelve at noon, her majeſty was pleaſed to 'touch at St. James's about twenty perſons afflicted with the 'King's-Evil.' Again, 'Bath, October 6, A great num-'ber of perſons coming to this place, to be touched by the 'queen's majeſty for the Evil, her majeſty commanded Dr. 'Thomas Gardiner, her chief ſurgeon, to examine them 'all particularly, which accordingly was done by him; of 'whom but thirty appeared to have the Evil, which he cer-'tified by tickets as is uſual, and thoſe thirty were all 'touched that day privately, by reaſon of her majeſty's not 'having a proper conveniency for the ſolemnity.' To make the thing the more ſerious, an Office is inſerted in the Liturgy, to be uſed on this occaſion (a).

Engagement between Bembow and du Caſſe. Burchet.

The beginning of the war in America proved unfortunate through the loſs of vice-admiral Bembow. He was ſent into the Weſt-Indies with a ſquadron of men of war, and ſtationed at Jamaica to watch the enemy in thoſe parts. He ſailed from Port-Royal the 11th of July 1702, in order to join rear-admiral Whetſtone. But having advice, on the 14th, by the Colcheſter and Pendennis, who joined him that day, that du Caſſe was expected in thoſe ſeas, he went in ſearch of him. Du Caſſe was carrying the Spaniſh duke of Albuquerque to his government of Mexico, with a good number of troops on board. Bembow took and deſtroyed by the way eight or ten merchant-ſhips, and a man of war capable of carrying fifty guns. The 19th of Auguſt, he diſcovered du Caſſe with four large ſhips of war, a frigate of thirty guns, which had been a Dutch fly-boat, a ſmall ſhip full of ſoldiers, with a ſloop and three ſmall veſſels. Bembow, giving him chace, and reſolving to fight him, diſpoſed his ſhips in the following line, the Defiance, captain Richard Kirby; the Pendennis, captain Thomas Hudſon; the Windſor, captain John Conſtable; the Breda, vice-admiral Bembow, with captain Fogg; the Greenwich, captain Cooper Wade; the Ruby, captain George Walton; and the Falmouth, captain Samuel Vincent. Being uneaſy to ſee ſome of his ſhips ſo long in coming up, and in diſorder, and obſerving that the Defiance and Windſor did not make way

(a) Charles Barnard, the ſurgeon, who had made this touching the ſubject of his raillery all his life-time, till he became body-ſurgeon at court, and found it a good perquiſite, ſolved all difficulties by telling his companions with a ſneer: 'Really one could not have thought 'it, if one had not ſeen it.' Oldm. II. p. 302.

haſte

haſte to come into their ſtation, he ſent to them to make more ſail. The night approaching, the admiral ſteered along ſide of the enemy, and endeavoured to keep near them, though not with a deſign to attack them before the Defiance was a-breaſt of the headmoſt ſhip. But, before this was done, the Falmouth in the rear attacked the fly-boat, and the Windſor the ſhip a-breaſt of her, as alſo did the Defiance. Soon after, the admiral was obliged to do the ſame, having received the fire of the French ſhip a-breaſt of him. The Defiance and Windſor, after they had received two or three broadſides from the enemy, broke from the line out of gun-ſhot. The two ſternmoſt ſhips of the French lay upon the admiral, which very much galled him, the ſhips in the rear not coming up as they ought. It was four o'clock when the engagement began, and it continued till it was dark. The admiral perceiving, that the French would decline fighting, if they could, reſolved to purſue them; and believing that if he led himſelf on all tacks, the other captains, for ſhame, would not fail to follow his example, he ordered the following line of battle; the Breda, Defiance, Windſor, Greenwich, Ruby, Penſdennis, and Falmouth. On the 20th, at break of day, the admiral was within gun-ſhot of the enemy; but the other ſhips, except the Ruby alone, which was up with him, were three, four, and five miles a-ſtern. At two in the afternoon, the ſea-breeze riſing, the enemy got into a line, making what ſail they could. The other ſhips not coming up, the admiral, in the Breda, with the Ruby, plied their chace-guns on them till night, when they left off, but kept them company all night. The 21ſt, at day-light, the admiral, being on the quarter of the ſecond ſhip of the enemy, and within point-blank ſhot, the Ruby being a-head of him, the French ſhip fired at the Ruby, which ſhe returned. The two French ſhips which were a-head, fell off, there being little wind, and brought their guns to bear on the Ruby. The Breda brought her guns to bear on the French ſhip, and ſhattered her very much, which obliged her to tow off. But the Ruby was likewiſe ſo much ſhattered in her maſts, ſails, and rigging, that the admiral was obliged to [illegible], and ſend boats to tow her off. This action held almoſt two hours, during which, the rear-ſhip of the enemy was a-breaſt of the Defiance and Windſor, who never fired a gun, though within point-blank. At eight o'clock in the morning, a gale of wind ſpringing up, the enemy made what ſail they could, and the admiral chaced them, in hopes to come up with them. At two that afternoon, the admiral

Anne. 1702-3.

Anne. 1702-3. got a-breaſt of two of the ſternmoſt of the enemy's ſhips; and in hopes to diſable them in their maſts and rigging, he began to fire on them, as did ſome of the ſhips a-ſtern; but, lying a-breaſt of them, they pointed wholly at him, which galled his ſhip much in her rigging, and diſmounted two or three of the lower tier guns. However, the admiral made what way he could after the French, who uſed all poſſible ſhifts to avoid fighting. The 22d, at day-light, the Greenwich was about three leagues a-ſtern, though the ſignal for the line of battle was never ſtruck night nor day. The reſt of the ſhips were indifferently near, except the Ruby; the enemy being about a mile and a half a-head. At three in the afternoon, the wind turned to the ſouthward, which before had been eaſterly. This gave the enemy the weather-gage; but, in tacking, the admiral fetched within gun-ſhot of the ſternmoſt of them, firing at each other; but, his line being much out of order, and ſome of his ſhips three miles a-ſtern, nothing more could be done. In the night the enemy was very uneaſy, altering their courſes very often between the weſt and north. The 23d, about break of day, the enemy was about ſix miles a-breaſt of them; and the fly-boat ſeparated from the enemy out of ſight. At ten o'clock the enemy tacked, the wind being at eaſt north-eaſt, but variable. The admiral fetched within point-blank ſhot of two of them, paſſing broadſides at each other. Soon after he tacked, and purſued them what he could. The Ruby being diſabled, the admiral ordered her for Port-Royal. At eight that evening, the Engliſh ſquadron was about two miles diſtant from the enemy, they ſteering ſouth-eaſt, and very little wind; then at north-weſt, and variable. The admiral ſteered after them, but all his ſhips, except the Falmouth, fell much a-ſtern. At twelve the enemy began to ſeparate. The 24th, at two in the morning, the admiral came up with an call of the ſternmoſt, and fired a broadſide, which the French returned. At three o'clock, by a chain-ſhot, Bembow's right leg was broke in pieces, and he was carried down; but this brave man preſently ordered his cradle on the quarter-deck, and continued the fight till day; when appeared the ruins of a ſhip of about ſeventy guns. The Falmouth aſſiſted in this affair very much, but no other ſhip. Soon after day, the admiral ſaw the other part of the enemy coming towards him with a ſtrong eaſterly gale; and at the ſame time the Windſor, Pendennis, and Greenwich, a-head of the enemy, came to leeward of the diſabled ſhips, fired their broadſides, paſſed her, and ſtood to the ſouthward. Then

the

the Defiance followed them, came alſo to leeward of the diſ- Anne.
abled ſhip, and fired part of her broadſide. The diſabled 1702-3.
ſhip did not fire above twenty guns at the Defiance, before
ſhe ran away before the wind, lowered both her topſails, and
ran to leeward of the Falmouth, which was then a gun-ſhot
to leeward of the admiral, knotting her rigging, without any
regard to the ſignal of battle. The enemy ſeeing the other
two Engliſh ſhips ſtanding to the ſouthward, and expecting
they would have tacked and ſtood with them, they brought
to with their heads to the northward; but, ſeeing theſe three
ſhips did not tack, bore down upon the admiral, ran between
the diſabled ſhip and him, and ſhot his main-top-ſail yard,
and ſhattered his rigging much; none of the other ſhips be-
ing near him, nor taking any notice of the battle-ſignal.
The captain of the Breda fired two guns at thoſe ſhips a-head,
in order to put them in mind of their duty; and, on the
other hand, the French, ſeeing this great diſorder, brought
to, and lay by their own diſabled ſhip, manned her again,
and took her in tow. The Breda's rigging being much
ſhattered, ſhe lay by till ten o'clock, and being then refitted,
the admiral ordered the captain to purſue the enemy, who
was then about three miles diſtance to leeward, having the
diſabled ſhip in tow, ſteering north-eaſt, the wind at ſouth
ſouth-weſt. The admiral, in the mean time, made all the
ſail after them he could, the battle-ſignal being ſtill out:
But, the enemy taking encouragement from the behaviour
of ſome of the Engliſh captains, the admiral ordered cap-
tain Fogg to ſend to the captains to keep their line, and to
behave themſelves like men. Upon this, captain Kirkby
came on board the admiral, and preſſed him very earneſtly to
deſiſt from any further engagement; which made the admi-
ral deſirous to know the opinion of the other captains; and,
accordingly, he ordered captain Fogg to make the ſignal for
all the captains to come on board. Moſt of them concur-
ring with captain Kirkby in his opinion not to fight, the ad-
miral, not being able to prevail with them to come to any
vigorous reſolutions, thought it not fit to venture any further;
though at this time he was a broad-ſide of the enemy, and
had a fair opportunity of fighting them, the maſts and yards
in a good condition, and few men killed, except thoſe on
board the Breda.

After this unfortunate action, admiral Benbow returned Four cap-
to Jamaica, where, on the 6th of October, he iſſued out a tains tried.
commiſſion to rear-admiral Whetſtone, and ſome captains,
to hold a court-martial, for the trial of the captains, Kirkby,

Anne. 1702-3. Conſtable, Wade, and Hudſon, who were charged with cowardice, breach of orders, and neglect of duty in the late engagement off Carthagena. The court-martial held four days, and, upon full proof, Kirkby and Wade were ſentenced to be ſhot to death, but the execution to be reſpited till her majeſty's pleaſure ſhould be known. Conſtable was cleared by his own officers and men of cowardice; but, the other crimes being proved againſt him, he was caſhiered from the queen's ſervice, with imprisonment during her pleaſure. And, as for Hudſon, he died ſome days before the trial. Captain Vincent, commander of the Falmouth, and captain Fogg, commander of the admiral's ſhip, were alſo tried for ſigning a paper with captain Kirkby and the reſt againſt engaging the French, when there was ſo fair an opportunity, with probability of ſucceſs. But upon their alledging, that they did it only becauſe they were perſuaded, conſidering the cowardly behaviour of thoſe captains, that, upon another engagement, they would wholly deſert, and leave the admiral in the Breda, and the Falmouth, a prey to the enemy: And, upon the character given by the admiral and others, of their great courage and gallant behaviour in the battle, the court thought fit only to ſuſpend them from their employment in her majeſty's ſervice; and withal, that their ſuſpenſion ſhould not take place, till the high admiral's pleaſure ſhould be known. The queen confirmed the ſentence paſſed upon the captains Kirkby, Wade, and Conſtable, who were ſent to England in the Briſtol man of war; and, upon their arrival at Plymouth, on the 14th of April 1703, the two firſt were immediately ſhot to death.

Bembow dies of his wounds. Hiſt. of Europe, vol. vii.

Admiral Bembow was very ſenſibly concerned at this diſappointment, and, having languiſhed for ſome time, died at laſt, on the fourth of November 1702, of the wounds which he had received in the engagement, being extremely lamented, as one of the braveſt and moſt experienced ſea-officers that England ever bred. He was born at Shrewſbury, in the county of Salop, and educated in the free-ſchool there: And, though his family was of good rank, yet it had been ſo reduced, that he was bound apprentice to a waterman. He afterwards uſed the ſeas, and became a Privateer (as they themſelves called it) in the Weſt-Indies. In proceſs of time he was made maſter of attendance at Deptford, where he continued ſeveral years. In the late war he was employed in bombarding St. Malo, and by quick gradations roſe to be a flag-officer, and ſent admiral of a ſquadron to the Weſt-Indies. He was a man of remarkable temperance, and naturally

urally charitable. As for his military virtues, he was bold and daring, and undaunted in the midſt of dangers. In a letter to his wife, after the engagement, he tells her, that 'the loſs of his leg did not trouble him half ſo much, as the 'the villainous treachery of ſome of the captains under him, 'which hindered him from totally deſtroying the French 'ſquadron.' He was about fifty years old when he died. Anne. 1702-3.

Not long after, colonel Daniel arrived at Port-Royal from Carolina, and brought account, that colonel Moore, governor of that plantation, marched from Charles-Town in South-Carolina, with five hundred men, in order to attack a colony of the Spaniards about three hundred miles diſtant, called St. Auguſtin near the Gulph of Florida: He ſoon poſſeſſed himſelf of the town, the inhabitants retiring with their beſt effects into a ſtrong fort, ſurrounded by a very deep and broad moat (in which they had laid up proviſions enough to laſt them four months) where they defended themſelves very obſtinately. It being impoſſible to take this fort by ſtorm, colonel Moore cauſed it to be blocked up, and ſent colonel Daniel to Port-Royal, to borrow a mortar and ſome ſhells to bombard it, and doubted not that he ſhould, by that means, ſoon force them to ſurrender. If this expedition had ſucceeded, it would have greatly contributed to the ſecurity of South-Carolina, there being no other place, from whence they could afterwards be diſturbed, except a ſmall ſettlement, which the French called the Palliſadoes, about two hundred miles farther in the country to the weſtward. But ſome French and Spaniſh galleons being arrived at St. Auguſtin before the return of colonel Daniel, Moore was obliged to raiſe the blockade, and to return to his government by land, after having burnt the ſhip in which he came. Succeſs of the Engliſh in America. Hiſt. of Europe, vol. viii.

Some time before, letters brought advice, that ſome frigates of Engliſh privateers attacked a place called Toulon, on the continent, about ten leagues from Carthagena, which they took, plundered, and burnt. Thence they ſailed to Caledonia, went up the river Darien, and ſo conforting with the Indians, were carried by them, in twelve days march, to the gold mines at Santa Cruz de Cana, near Santa Maria. The ninth day of their march, they came to an out-guard of ten men, which the Spaniards had at ſome diſtance from the place, of whom they took nine; but the other eſcaping gave notice at the mines of their approach, upon which the richeſt of the inhabitants retired from thence with their money and jewels. However, the Engliſh party, which conſiſted

Anne. 1702-3. ſiſted of about four hundred men, being come up, took the fort, and poſſeſſed themſelves of the mines, where there remained about ſeventy negroes, whom they ſet to work, and continued there one and twenty days, in which they got above eighty pounds weight of gold duſt. They alſo found ſeveral parcels of plate, which the inhabitants had buried at leaving that place. The Engliſh, at their departure, burnt all the town, except the church, and returned to their ſloops, bringing away the Negroes. Some went further up the river in their ſloops, having a deſign upon another gold mine, called Chocoa; and two of the ſloops, commanded by Plowman and Grandy, ſailing towards Cuba, landed near Trinidado; and with an hundred and fifty men took the town, burnt a great part of it, and brought off a very conſiderable booty.

Colrington's expedition againſt Guadalope. Hiſt. of Eur. vol. viii.

On the 7th of March, colonel Codrington, governor of the Leeward Iſlands in America, came with the land forces under his command on board a ſquadron of men of war, with divers privateers, and other veſſels, before the iſland of Guadalupe, receiving ſeveral ſhot from the ſhore, though without doing any other miſchief, than killing one man, and wounding a boy. The colonel ſtood off till the 10th, waiting for the Maidſtone, and the ſmall veſſels that carried the proviſion and ammunition. Upon the 12th, colonel Byam, with his own regiment, and two hundred of colonel Whetham's men, landed by break of day, at a place called Les Petits Habitants, where they met with ſome oppoſition, but ſoon conſtrained the enemy to retire. About nine in the morning, colonel Whetham landed in a bay to the northward of a town called La Bayliffe, where he met with a vigorous reſiſtance from all the enemy's forces, poſted in very good and advantageous breaſt-works, plying the Engliſh with their great and ſmall ſhot; yet, notwithſtanding all their fire, the Engliſh marched up to their intrenchments with their muſkets ſhouldered, not firing a ſhot till they could lay the muzzles of their guns upon the enemy's breaſt-works. Here the Engliſh had three captains killed, before they made themſelves maſters of the enemy's intrenchments, which they did about noon, and an hour after, of La Bayliffe, and the Jacobines church, which the enemy had fortified, and often pieces of their cannon. About two the Engliſh took a platform with three pieces of cannon; and the marine regiment attacked the Jacobine plantation and breaſt-work all along the Jacobines river, which the enemy quitted upon the firing of two vollies only of ſmall ſhot upon them.

them. The next day the Engliſh poſſeſſed themſelves of the great town called Baſſe-Terre, and forced the enemy to retire into the caſtle and fort, which they defended till the third of April, and then, blowing them up, retired to the mountains. The Engliſh had now nothing to do but to ſend out parties to burn and deſtroy the enemy's houſes, works, ſugar-canes, and proviſions, to ravage the country, and to bring in what cattle and plunder they could find; after which they burnt the town to the ground, razed the fortifications, took the beſt of the guns on board, and made their retreat without the loſs of a man, and, reimbarking, returned to St. Chriſtopher's (b). But to return to Europe. Anne. 1702-3.

Whilſt the queen was beſtowing her favours on the Church-party in England, ſome alterations were made in Scotland, which were as advantageous to the Anti-revolutioners and Epiſcopalians, as they were diſpleaſing to the Preſbyterians. The earl of Marchmont, lord chancellor; the earl of Melvil, preſident of the council; earl of Selkirk, lord regiſter; Adam Cockburne, of Ormiſton, treaſurer-deputy; Sir John Maxwell, of Pollock, juſtice-clerk; earl of Leven, governor of the caſtle of Edinburgh; and the earl of Hyndford, one of the ſecretaries of ſtate, were all laid aſide. On the other hand, the duke of Queenſberry, and the lord viſcount Tarbat, were made ſecretaries of ſtate; and the earl of Seafield, chancellor; the marquis of Annandale, preſident of the council; the earl of Tullibardin, (afterwards duke of Athol) lord privy-ſeal; the lord Boyle, treaſurer-deputy; Mr. Roderick Mackenzy, of Preſton-hall, juſtice-clerk; Sir James Murray, of Philiphaugh, lord-regiſter; Alterations in Scotland. Lockhart.

(b) Father Daniel, though he mentions this deſcent of the Engliſh on Guadalupe, conceals all theſe circumſtances to their advantage, and pretends, that they were repulſed with loſs by the ſieur Auger, governor of the iſland. Monſieur de Larrey ſays, that monſieur Gabaret arriving at Fort St. Mary's with two frigates, a flute, nine armed barks, and ſeven hundred men for the aſſiſtance of the inhabitants, the Engliſh did not think themſelves a force ſufficient to withſtand them, and therefore reimbarked. The author of the *Britiſh Empire in America*, Vol. II. 187, aſſerts, That all the ſucceſſes of this expedition were rendered fruitleſs, by ſome unhappy differences among the commanders; though ſomething muſt be imputed to the vigorous defence of the French, and the ſickneſs of the Engliſh ſoldiers; which obliged the general to reimbark his men, after they were ſo near making a conqueſt of the whole iſland.

and

Anne. 1702-3. and the earl of March, governor of Edinburgh-caſtle. And though all theſe, except the earl of March, had, at or ſince the revolution, been deeply engaged againſt the intereſt of king James and his family; yet the duke of Queenſberry and his two dependants, the lord Boyle and Sir James Murray, pretended to be quite of another mind: The marquis of Annandale, earl Seaſield, and viſcount Tarbat, valued themſelves upon having, once, oppoſed king William; and the marquis, every body believed, would, if kindly dealt with, go along with the prevailing party. But, before this change in the miniſtry was perfected, the ſcantineſs of the funds provided by the laſt parliament, and the difficulties in collecting them, rendered it abſolutely neceſſary to call a new parliament to ſit in the ſpring of the year 1703. And therefore the earl of Seaſield, then ſecretary of ſtate, came down from London to Scotland, to influence the elections, which, by a concurrence of ſeveral accidents were ſo managed, that a greater number of Anti-revolutioners were choſen than had been known in any former parliament. At the ſame time, duke Hamilton, and ſome others, who had been the greateſt perſecutors of the Preſbyterians, ſet up for patrons of the Epiſcopal clergy, and obtained from the queen a letter to the privy-council of Scotland, wherein, among other things, ſhe ſaid: 'We do, in the firſt place, recommend to your care 'the church now eſtabliſhed by law, in it's ſuperior and inferior judicatures, ſuch as ſeſſions, Preſbyters, ſynods, and 'general aſſemblies; as alſo in the exerciſe of their holy 'functions, and in what concerns their perſons and benefices. 'We are informed, that there are many Diſſenters who, 'albeit they differ from the eſtabliſhed church in opinion, as 'to church government and form, yet are of the Proteſtant 'Reformed Religion, ſome of which are in poſſeſſion of benefices, and others exerciſe their worſhip in meeting-houſes. It 'is our royal pleaſure, that they ſhould be directed to live ſuitably to the Reformed Religion, which they profeſs, ſubmiſſively to our laws; decently and regularly with relation to the 'Church eſtabliſhed by law, as good Chriſtians and ſubjects; 'and, in ſo doing, that they be protected in the peaceable 'poſſeſſion of their religion, and in their perſons and eſtates, 'according to the laws of the kingdom. And we recommend to the clergy of the eſtabliſhed diſcipline their living 'in brotherly love and communion with ſuch Diſſenters.'

Encouraged by theſe expreſſions and the queen's repeated aſſurances, that ſhe would maintain the church of England, and even the leaſt member of it, in all their juſt rights and privileges; the Epiſcopal clergy framed an addreſs, to which, with great pains and many indirect methods, they procured many ſubſcriptions, and which was preſented to the queen, the 13th of March, by Dr. Skeen and Dr. Scot, introduced by the duke of Queenſberry (who nine days before had been appointed high-commiſſioner) and viſcount Tarbat (c). Anne. 1702-3. Addreſs of the Scotch Epiſcopal clergy. Hiſt. of Europe, Vol. VIII.

The queen, in her anſwer, aſſured them of her protection, and endeavours to ſupply their neceſſities as far as conveniently ſhe could, and recommended to them to live in peace and Chriſtian love with the clergy, who were by law inveſted with the church-government in her ancient kingdom of Scotland. The queen's anſwer.

(c) The addreſs was as follows:

"We, your majeſty's moſt humble, dutiful, loyal, and moſt obedient ſubjects, look on it as no ſmall bleſſing to have a queen of our ancient race of kings, who has always been a pattern of virtue, and a conſtant ſupporter and owner of the true Reformed Orthodox Religion; and who, ſince her coming to the crown of her illuſtrious anceſtors, has ſhewn ſuch good and generous inclinations to make all her ſubjects live happily, that we have preſumed moſt humbly to addreſs your majeſty to take into your royal conſideration the condition of the ſubjects of the Epiſcopal perſuaſion in this kingdom. It is not unknown to your majeſty, the hard meaſure and diſcouragements they met with of late years, particularly thoſe of the clergy, though they have always behaved themſelves (as their principles oblige them to do) peaceably and ſubmiſſively to ſupreme authority.

May it therefore pleaſe your ſacred majeſty to take thoſe into your royal protection, and give liberty to ſuch pariſhes, where all or moſt of the heritors and inhabitants are of the Epiſcopal perſuaſion, to call, place, and give benefices to miniſters of their own principles, which the Preſbyterians themſelves can have no reaſon to complain of; for, if the plurality, they pretend to, be true, by this act of Grace, neither their churches nor benefices are in hazard: Which favour will oblige us more and more, out of gratitude as well as duty, to ſend up our prayers to Almighty God, that the ſame good providence, which places your majeſty upon the throne, and has bleſſed the beginning of your reign with ſuch glorious ſucceſs, may preſerve your majeſty for a bleſſing to theſe lands; and that we may never want a true Proteſtant of the ſame royal blood to govern us while ſun and moon endure."

The

Anne. 1702-3.

The next thing, which the enemies of the revolution improved to their advantage, was a proclamation of indemnity publiſhed by the queen, on the 6th of March, 1702-3. It was ſet up for a maxim by the new miniſtry, that all the Jacobites were to be invited home; and therefore the proclamation was of a very large extent, indemnifying all perſons for all treaſons committed before April laſt, without any limitation of time for their coming home to accept of this grace, and without demanding any ſecurity of them for the future. Upon this, conſiderable numbers of Jacobites came over to Scotland from St. Germains and other parts of France, though they had forfeited their lives to the law by correſponding with the enemy, and practiſing againſt the government in king William's reign. Some of them pretended to be new converts, and together with others at home, who had ſtood out all king William's time, qualified themſelves to ſit in parliament by taking the oaths. The Anti-revolutioners, being proud of this acceſſion of ſtrength, thought themſelves in a condition to preſcribe terms to the government, and carried matters to an unaccountable height.

Proclamation of indemnity.

Proceedings in the parliament of Scotland.

This was the poſture of affairs in Scotland, before and at the time, when the queen found it neceſſary to ſatisfy the nation by calling a new parliament. The Epiſcopal party thought themſelves ſo ſecure of a majority, that they every where gave out, they ſhould be able to vote down Preſbytery, and to reſtore patronages, or at leaſt to carry a toleration, ſo as their own clergy might be called to benefices, as well as the Preſbyterians. Nor did their confidence terminate in humbling the Preſbyterians of Scotland, but they flattered themſelves alſo with the hopes of mortifying the Revolution-party of the Church of England; and this they were prompted to expect by a north-country clergymen, turned out in 1694 for refuſing the oaths to king William, whom they had ſince employed as their agent at London, and who, upon the death of that prince, in a letter to thoſe, who employed him in Scotland, expreſſed himſelf thus: 'The Church of England 'was ſo much out of order during the late reign, that it 'will take ſome time to put matters right, which her majeſty 'is firmly reſolved to ſee to with all convenient haſte.' This they endeavoured to ſpread the belief, that the queen was their friend, while the greateſt part of them not only refuſed to ſwear allegiance to her, but ſome of thoſe who had taken the oaths, made no ſcruple openly to confeſs, 'that they 'ſwore to her only as a Tutrix or Regent, during the mino-'rity of her ſuppoſed brother.' By this it appears, that the whole

whole kingdom of Scotland was in a ferment at the ſitting down of the parliament. The country-party (which took its riſe from the affair of Darien, and had diſputed the legality of the continuance of the convention-parliament) of which duke Hamilton and the marquis of Tweedale were the leaders, inſiſted upon the redreſs of thoſe grievances, which the country laboured under in the former reign. The Preſbyterians in general, and others of revolution principles, who were headed by the duke of Argyle, were alarmed at the bold proceedings of the Anti-revolutioners, of whom the earl of Hume was chief. This divided the country party among themſelves; for, moſt of that party in the late reign being Revolution-men, they were jealous of the new acceſſion of Anti-revolutioners; and therefore it was not poſſible for them to concert meaſures together. Their jealouſies were heightened by new diſcoveries, which the Anti-revolutioners had made of their ſentiments in council and elſewhere: That they were againſt ratifying the ſeveral ſteps of the revolution, and the proceedings of king William's parliament on that head; but thought beſt to paſs it over as a thing extraordinary and out of courſe; and alledged, that all parties might be ſafe enough under the ſhelter of her majeſty's general indemnity. The Revolutioners knowing well, that, according to the old conſtitution of the kingdom, general pardons granted out of parliament afford but little ſafety, when queſtioned in parliament, deſpiſed the motion, and thought fit to leave thoſe to plead the indemnity, who believed they needed it, but conceived themſelves not to be of that number, and therefore reſolved upon a parliamentary ratification of the revolution. This they judged to be the moſt effectual way to prevent after-blows from the oppoſite party, whoſe deſigns became more ſuſpicious by their inſiſting on a diſſolution of the garriſon of Inverlochy, which was a great curb upon the Popiſh Highlanders, and rigid Prelatiſts of the north, the great ſtrength of the Anti-revolution party. Anne. 1702-3.

In this diſpoſition of affairs the parliament met at Edinburgh, the 6th of May 1703, and the duke of Queenſberry, her majeſty's commiſſioner, having taken his ſeat on the throne, the queen's letter was read, wherein ſhe recommended to them to raiſe a ſupply for the forces, to encourage trade, and to proceed with wiſdom, prudence, and unanimity (d). Then the lord high-commiſſioner, and the earl 1703.

(d) See the account of the proceedings of the parliament of Scotland, which met at Edinburgh, May 6, 1703, publiſhed in 1704, and alſo Lockhart's Memoirs.

of

Anne. 1703. of Seafield, lord chancellor, made ſpeeches, enlarging upon the heads of the queen's letter. This done, duke Hamilton, after a ſpeech proper to the ſubject, offered the draught of a bill, for recognizing her majeſty's undoubted right and title to the imperial crown of Scotland, according to the declaration of the eſtates of the kingdom, containing the claim of right, which was received and read the firſt time, and a ſecond reading unanimouſly ordered, the 15th of May, when the queen's advocate, Sir James Stuart, offered an additional clauſe, "That it ſhould be treaſon to quarrel her majeſty's "right and title to the crown, or her exerciſe of the go-"vernment from her actual entry to the ſame." This clauſe being read, it was urged by ſome, that it was diſhonourable to her majeſty, becauſe it implied, that the houſe were giving her majeſty an indemnity for the actings and exerciſe of her power ſince her acceſſion to the throne. It was anſwered, that the words meant only in general her majeſty's right to exerciſe her power. To which it was replied, that, whatever was the meaning of thoſe, who had offered the clauſe, yet the words could admit of no ſuch meaning, unleſs either the laſt part of the clauſe was altered thus, 'her being in the exerciſe of the 'government.' To this it was again anſwered, in behalf of the clauſe, That by the late queen Mary's death, without heirs of her body, the right of ſucceſſion came to the queen; upon the proſpect of king William's death, ſeeing by the entail ſhe was to ſucceed 'before any children' of his body. But that the exerciſe did never accrue to her till his actual death and her actual acceſſion; and that therefore it was proper, not only 'to recognize her right to the ſucceſſion;' but alſo 'to recognize her actual exerciſe,' and to ſecure it by a ſanction of treaſon. To this it was replied by the duke of Hamilton's friends, that theſe rights ſpoken of did not import any other, than the apparent right of an heir before or after his immediate predeceſſor's death; the firſt of which naturally vaniſhes upon the exiſtence of the ſecond. That the act, as at firſt offered, fully recognized theſe and all manner of rights, which were or could be in her majeſty's perſon; but that the clauſe now offered did moſt diſhonourably ſuperadd a ratification and ſanction of her majeſty's exerciſe, and muſt point at one of theſe three things: Firſt, either it ſuppoſed, that there had been ſomething Lame and Defective in her majeſty's Right and Title above-mentioned, which had been, ſince her Actual Succeſſion, ſupplied by her majeſty's acts of Adminiſtration and exerciſe, and therefore her exerciſe was propoſed to be ratified towards validating her infirm title. But, as there was not the leaſt defect in her majeſty's right and

and title, therefore this clauſe was unneceſſary and dangerous. That, in the ſecond place, the clauſe inſinuated, that her majeſty, ſince her acceſſion, had Exerciſed ſome acts of adminiſtration; to indemnify which, a vote of this houſe ſeemed neceſſary. That, whatever might be charged upon the miniſtry, it was the higheſt indignity done to her majeſty, to expoſe her exerciſe of her royal power to the leaſt ſuſpicion by ſuch a clauſe. And, in the laſt place, no other reaſon could be given for the tenaciouſneſs of the miniſtry in promoting a clauſe ſo diſhonourable to the queen, but that they themſelves muſt be conſcious, that, contrary to law, they had been inſtrumental in adviſing her majeſty, 'to exerciſe ſome acts of adminiſtration,' ſuch as the calling together the late parliament, which had continued during all the 'time of the late reign,' and promoting in it ſome Commiſſions, Laws, and Powers, beyond the limitations, which determined the being, and circumſcribed the power of that parliament: And, being ſenſible, that their advice might very juſtly rebound upon themſelves, they ſhuffled in this diſhonourable clauſe, hoping, 'under the name of her majeſty's 'exerciſe,' to ſhelter themſelves: But that, whatever might become of this clauſe at this time, it was hoped, that the wiſdom of the houſe would, in due time, paſs a cenſure on thoſe advices, which were like to diſcompoſe her majeſty's quiet, and endanger the welfare of the nation. The duke of Hamilton concluded with ſaying, 'That he had the honour 'of offering this act for recognizing her majeſty's authority, 'right, and title; that he had been in hopes, that ſo dutiful 'an act would have paſſed the vote of this houſe with all 'imaginable chearfulneſs; and that he was both ſorry and 'ſurprized to find any thing thrown in, which could create 'the leaſt demur in it; but let thoſe anſwer for it, who were 'the authors.' After a long debate, it was again moved, that inſtead of the words, 'her exerciſe of the government,' the following words might be added, 'her being in the exerciſe of the government.' But, by the concurrence of the Cavaliers, it was carried by a conſiderable majority, that the clauſe brought in by the queen's advocate ſhould be added to the act, which, on the 19th of May, was touched by the ſceptre, and made a law (e); but, before that was done, duke

Anne 1703.

Lockhart.

(e) The act ran thus: 'The eſtates of parliament conſidering, that, by the death of the late king William of ever glorious memory, the crown and royal dignity of this kingdom is by right devolved upon queen Anne, our preſent gracious ſovereign,

Anne 1703. duke Hamilton desired, 'That it should be remembered, 'that, at passing this act, it was expressly declared, that 'the meaning of the advocate's clause could affect only the 'queen's exercise of her government, and not the actings of 'her ministry: And that, therefore, whatever challenge 'might be given afterwards to the illegality of the actings of 'the late parliament, might not be considered as a violation 'of this act.'

After the act had received the royal assent, the earl of Hume, who was one of those, that had qualified him since king William's death, presented the draught of an act for the supply, but, before it was read, the marquis of Tweedale said, that he had an overture to make to the house, which he hoped would, by reason of its importance, be preferred to all other business. After some debate, it was agreed, that the draught and overture should both be read, provided, that nothing should be spoken to either. And accordingly the act for supplying was read, as was afterwards the marquis of Tweedale's overture, 'for a resolve of parliament, that, before 'all other business, the parliament might proceed to make 'such conditions of government, and regulations in the con-'stitution of this kingdom, to take place after the decease of 'her majesty and heirs of her body, as should be necessary 'for the preservation of their religion and liberty.' Both which overtures were ordered to lie on the table.

The compliance of the Cavaliers with the court in the Act of Recognition was extremely censured by many of their party; but they were induced to gratify the queen in this point, out of expectation of being intrusted with the administration of affairs; for which reason it was likewise unanimously resolved, in a full meeting, that the earl of Hume should the next day make the motion for a supply. And, upon these accounts, the duke of Queensberry renewed his engagement to stand firmly by them, and inform the queen

Lockhart.

vereign, conform to the declaration of the estates of this kingdom: therefore the estates of parliament for themselves, and in the name and behalf of the whole subjects of this kingdom, assert, recognize, and acknowledge, her majesty's undoubted right and title to the imperial crown of this kingdom, and her majesty, with advice and consent of the said estates of parliament, doth statute and declare, that it is, and shall be high treason in any of the subjects of this kingdom, to disown, quarrel, or impugn her majesty's right and title to the crown of this kingdom, or her exercise of the government thereof, from her actual entry into the same,

what

What ſignal ſervices they had done. But this good correſpondence did not laſt long; for, within two or three days, the duke's deportment induced many of the Cavaliers to ſuſpect his ſincerity. A writer of that party is of opinion, that the duke was once ſeriouſly embarked with them, but left them upon this occaſion. On the day the earl of Hume was to move for a ſupply, his grace called a council, and acquainted them of it; with which all agreeing, they adjourned with a deſign to ſupport the earl of Hume's motion. A few minutes after, the duke of Argyle, marquis of Annandale, and earl of Marchmont, waited upon the high-commiſſioner, and, withdrawing privately with him, told him, 'That 'they had been that morning with a conſiderable number 'of parliament-men, wherein it was reſolved to move for an 'act ratifying the Revolution, and another the Preſbyterian 'government, and preſs to have them preferred to the act of 'ſupply, which they were certain to carry; but firſt they 'thought fit to acquaint his grace with the deſign, and aſk 'his concurrence.' The duke begged them to forbear, becauſe he had now an opportunity of obtaining a ſupply; and, if he ſlipped that, he might never have another; and, promiſed, that, when this was over, he would go into whatever they propoſed. But the others refuſed to comply, being rather willing, that there ſhould be no ſupply granted at all, than it ſhould proceed from the Cavaliers: and thus they left the high-commiſſioner in great perplexity, who durſt not venture to puſh the act of ſupply, knowing, that the duke of Hamilton and his party would join the duke of Argyle and his friends, and ſo the act would be rejected. On the other hand, he foreſaw, what Sir James Murray of Philiphaugh had that morning intimated to him, 'That, if he ſupported 'the duke of Argyle in his deſigns, the Cavaliers would leave 'him;' by which means his intereſt would be diminiſhed, and he be obliged to depend on the duke of Argyle, marquis of Annandale, and other Revolutioners and Preſbyterians. While he was in this ſuſpence, the duke of Argyle, who had more intereſt with him than any other perſon, ſoon returned, and, in a private converſation, repreſented to him the improbability of his ſucceeding by the methods which he was then upon; and dexterouſly awakened his jealouſy of the duke of Hamilton, who, notwithſtanding what had happened of late, had more intereſt with the Cavaliers than any other, and who, as ſoon as they had gained their point, was likely to become their leader. This, together with the deſire of being abandoned by the duke of Argyle and the marquis of Annandale,

Anne. 1703.

Anne. 1703. nandale, wrought ſo powerfully with the high-commiſſioner, that, from that moment, he reſolved to deſert the Cavaliers; but, the better to carry on his deſigns, he reſolved at the ſame time to diſſemble, as much as poſſible, with them, which however availed him but little.

On the 26th of May, the commiſſioner from the throne informed the houſe, "That having now ſate twenty days, "he did not doubt but they were all convinced, that the "preſent ſtate of affairs required a competent ſupply for "maintaining the army: That the act, offered a week be- "fore for that purpoſe, had ever ſince lain upon the table: "Wherefore he deſired, that it might be now read; and "promiſed, that they ſhould have full time afterwards al- "lowed them to go upon other buſineſs." Notwithſtanding this ſpeech, it was moved, that, before the ſupply, the marquis of Tweedale's overture ſhould be taken into conſideration. Upon this the debate turned into a competition, Whether the Act of Supply, or the Overture, ſhould firſt take place? In behalf of the Overture, was urged the great importance of it; and in behalf of the Supply, the neceſſity of it, and the commiſſioner's promiſe, that after the firſt reading of the Supply-Act, there ſhould be time given for other buſineſs. To this a member anſwered, "That he had all the deference "imaginable for the lord commiſſioner's aſſurances, and "doubted not but the whole houſe had the ſame; but he "doubted extremely, that his grace could be maſter of him- "ſelf in that point. Who knows (added he) but that, af- "ter all his grace's good purpoſes, the treaſurer of England "may cauſe to adjourn the houſe, when he ſhall think fit, "notwithſtanding all the aſſurances, which the miniſtry can "give. It is too well felt, that the influence of foreign "counſels, from one corner of the world or other, have de- "termined Scots affairs for theſe many years; and there is "no appearance of diſcontinuing theſe practices." He concluded, "That from the matter of this Overture might ariſe "ſuch ſettlements, as might make a Scots nation ſtand on "a Scots bottom; and therefore it was fit to prefer the con- "ſideration of it to any other buſineſs whatſoever." (a).

After

(a) Another member urged, upon the point of the abrupt adjournment of the parliament, "That it muſt ſtill be freſh in every man's memory, that in- ſults were made upon the ſove- reignty and independency of this nation, in the matter of their late trading company, both before their ſettlement in Da- rien by the legal actings of the Scots parliament, and by the ſcan-

After ſeveral warm ſpeeches and long debates, the houſe came to this reſolve, 'That the parliament will proceed to 'make ſuch acts, as are neceſſary or fit for ſecuring our re- 'ligion, liberty, and trade, before any act for ſupply, or any 'other buſineſs whatſoever.' Whereupon the marquis of Athol offered, 'an act for the ſecurity of the kingdom, in 'caſe of her majeſty's deceaſe.' But, before it was read, the duke of Argyle offered his act, ratifying the late revolution, and all the acts following thereupon; Mr. Fletcher, of Salton, an act, containing ſeveral limitations upon the ſucceſſion, after the death of her majeſty, and the heirs of her body; the earl of Rothes, an act, that, after her majeſty's death, and failing heirs of her body, no perſon coming to the crown of Scotland, being at the ſame time king or queen of England, ſhould, as king or queen of Scotland, have power to make peace or war, without the conſent of parliament; the earl of Marchmont, an act for ſecuring the true Proteſtant religion and Preſbyterian government; and Sir Patrick Johnſon, an act, allowing the importation of all ſorts of wines, and other foreign liquors: All which acts were placed, and ordered to lie on the table. Anne. 1703. May 28.

On the 1ſt of June, an 'act for toleration to all Proteſ- 'tants, in the exerciſe of religious worſhip,' preſented by the earl of Strathmore, being read, a ſtrong repreſentation was offered againſt it, in the name, and at the appointment

ſcandalous memorials given in by the Engliſh reſident at Hamburgh, moſt falſely repreſenting the Scots company as private perſons, having no authority; as alſo, by the ſaid reſident's uſing threatening denunciations and expreſſions againſt the Hamburghers, if they ſhould enter into any trading ſociety with them: And likewiſe, after that company was ſettled in Darien, by their moſt barbarous and inhuman execution of ſome proclamations iſſued out againſt them. That, whether theſe moſt injurious ſtretches were calculated really for the ſake of an intereſt altogether foreign to this iſland, it was not proper here to diſpute; but, that it was certain, that this had raiſed an inſuperable jealouſy in the Scots nation, which could not fail, ſome time or other, to break forth into conſequences dangerous to both nations. And therefore he concurred with thoſe noble and worthy members in promoting the overture, from which he ſhould expect, that ſome laws ſhould be enacted towards regulating the adminiſtration and government at home, as might deliver a Scots prince and miniſtry from foreign influence, and might thereby compoſe thoſe hurtful jealouſies, in all times coming, to the mutual peace and quiet of the whole iſland."

[Anne. 1703. of the late general aſſembly, which concluded with theſe words: 'That they were perſuaded, that to enact a toleration for thoſe of the Epiſcopal way (which God of his infinite mercy avert) would be to eſtabliſh iniquity by a law; and would bring upon the promoters thereof, and their families, the dreadful guilt of all thoſe ſins and pernicious effects, that might enſue thereupon.' The promoters of the Toleration finding by this repreſentation, that it was like to meet with great oppoſition, agreed not to inſiſt upon it, leſt thereby they ſhould offend and loſe many, who at preſent ſided with them againſt the court.

Thus, not only all the hopes of the Epiſcopal party for a Toleration (which they had made no doubt of carrying) were entirely loſt, and every thing relating to the Church continued in the ſame ſtate in which it was during the late reign, but the Preſbyterians got a new law in their favour, which gave them as firm a ſettlement, and as full a ſecurity as law could give. For, on the 3d of June, an act paſſed for preſerving the true reformed Proteſtant religion, and confirming Preſbyterian church government and diſcipline, by kirk ſeſſions, preſbyteries, provincial ſynods, and general aſſemblies, as agreeable to the word of God, and the only government of Chriſt's church within this kingdom (b). Nor was this all. For, on the 7th of June, the parliament

(b) Lockhart, in his Memoirs, ſays, many members argued againſt it, but none with more ſpirit than Sir David Cunningham of Milcraig, who urged, That it was uncharitable to aſſirm, as this act did, that 'the Preſbyterian government 'was the only Church of Chriſt.' To this the marquis of Lothian replied, 'That the clauſe was 'right, ſince he was ſure the 'Preſbyterian government was 'the beſt part of the Chriſtian 'religion;' which raiſed great mirth in the houſe. However, the act paſſed; but it was evident, that the Preſbyterian party was not ſo conſiderable as had been imagined; and that, if the queen had been as Epiſcopal in Scotland as in England, ſhe might eaſily have overturned Preſbytery. For at this time the houſe conſiſted of about two hundred and forty members, thirty of whom voted againſt the act, and eighty-two were Non-liquets, which laſt were all Epiſcopal, but choſe to be ſilent, either becauſe there was not then a formed deſign againſt Preſbytery, or in order to pleaſe the court; ſo that, properly ſpeaking, there was not a plurality of above ſixteen voices for the act; among whom ſuch, as the duke of Hamilton, the earl of Eglington, and many others, were no ways Preſbyterians; ſo that, had the queen deſigned to introduce Epiſcopacy, it would not have been any hard talk to have done it.

pro-

proceeded to conſider the duke of Argyle's act, which conſiſted of three clauſes: For ratifying and perpetuating the firſt act of king William's parliament, that the three eſtates then met together were a lawful and free parliament: For declaring it high treaſon to diſown the authority of that parliament, or to endeavour, by writing, or ſpeaking, or other open act or deed, to alter or innovate the Claim of Right, or any article thereof. The two firſt clauſes were agreed to without any oppoſition; but the third, relating to the Claim of Right, raiſed a very warm debate: It was alledged, that many libels had been ſpread, reflecting on the Claim of Right, and tending to unhinge the preſent happy ſettlement. To which it was anſwered, "That there were ſtanding laws, "by which the authors of ſuch libels might be puniſhed; "but that the import of ſuch a general and peremptory clauſe "would be of moſt dangerous conſequence: That it would "fetter men in their common converſation, which, though "never ſo innocent, might, by theſe words; "endeavour by "writing or ſpeaking," bring all the ſubjects, whether in "the miniſtry or not, into daily ſnares; and, in ſhort, that "it would bind up the government, and the wiſdom of the "nation itſelf, in all ſucceeding ages, from making ſuch al"terations and reformations, as, in courſe of time, and va"rious circumſtances of things, ſhould be judged neceſſary." To this purpoſe James Moore of Stennywood ſaid, "That "he was ſure, and every body knew, that the ſhire of Aber"deen, which he had the honour to repreſent, was of Epiſ"copal perſuaſion; and if, after this act was paſſed, his "countrymen ſhould, in diſcharge of their own conſciences, "in a regular way addreſs the ſovereign or parliament (which "by the Claim of Right is the privilege of every ſubject) for "a rectification of the preſent Preſbyterian eſtabliſhment, "which, in his opinion, was neither infallible nor unalterable, "he deſired to know, whether ſuch an addreſs ſhould im"port treaſon?" To this, Sir William Hamilton, of Whitelow, anſwered, That indeed this act did not preclude addreſſing for a Toleration; but he was of opinion, that if, after it was paſſed into a law, any perſon ſhould own, that he thought Preſbyterian government a wrong eſtabliſhment, and that Epiſcopacy ought to be reſtored, ſuch a perſon was guilty of high-treaſon. This occaſioned a long and warm debate, wherein the dangers that would ariſe from this act, both to the government and the ſubject, were fully laid open. However, the queſtion for approving the act was carried in the affirmative, though there were ſixty members againſt it, and

Anne. 1703.

Anne. 1703. and many Non-liquets [or ſilent members] and ſeveral of the country party, who were Preſbyterians; but all the miniſtry and their dependants went into it, except the marquis of Athol, the lord juſtice clerk, the lord viſcount of Tarbat, and ſome of their and the lord-commiſſioner's friends, who, at this time, began to break with the court, and join in a particular correſpondence with the Cavaliers.

By this act the Preſbyterian government acquired new ſtrength; for the Claim of Right was not only confirmed (one article of which was againſt Epiſcopacy and for Preſbytery) but it was declared high-treaſon to endeavour any alteration in it. The late king, though it had been often propoſed to him, would never conſent that this ſhould paſs into an act. He ſaid, he had taken the crown on the terms of that claim, and therefore would never make a breach on any part of it; but he would not bind his ſucceſſors, by making it a perpetual law. Thus a miniſtry that carried all matters relating to the Church to ſo great a height, yet, with other views, gave a fatal ſtroke to the Epiſcopal intereſt in Scotland, to which king William would never give way.

Burnet. As ſoon as the Cavaliers perceived that the duke of Queenſberry's friends and dependents appeared againſt the act of Toleration, and for the acts eſtabliſhing the Preſbyterian government, and ratifying the late revolution, they immediately concluded, that they were betrayed, and declared this opinion in a meeting of the Cavaliers. Upon this it was reſolved to ſend four of their number, the earls of Hume and Strathmore, George Lockhart of Carnwath, and James Ogilvy of Boyne, to repreſent to him, how much they were ſurprized to find his friends behave after ſuch a manner; and that they hoped he would remember his vows and promiſes, and how they had ſerved the queen. He excuſed his conduct, as neceſſary to pleaſe ſuch of the miniſtry as were ſo inclined, leſt otherwiſe the queen's affairs ſhould ſuffer prejudice; and then he renewed his former promiſes, with the moſt ſolemn proteſtations. They replied, 'That they believed this would not ſatisfy thoſe, who had ſent them to 'him; and that neither his grace nor the queen could blame 'them for looking to themſelves, ſince it was plain, he was 'imbarked with a party, and entered into meaſures quite 'contrary to the capitulation made and agreed to between 'him and them.' Having made a report to their conſtituents, it was unanimouſly reſolved not to enter into any concert with the court, or any other party, but to ſtand by themſelves firm

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to one another, and jointly go into ſuch meaſures, as, when Anne.
propoſed by any party, ſhould be, by the majority of them- 1703.
ſelves, eſteemed for the intereſt of their country. This engagement they all faithfully performed during this whole ſeſſion, except only the earls of Belcarras and Dunmore, who adhered to the court. Hitherto they had been firm to their party, eſpecially Belcarras, who had, after the revolution, been ſome time in France, and, not many years before this, had obtained liberty to return home.

The bill which occaſioned the longeſt debates in this remarkable ſeſſion, was that for ſecurity of the kingdom, in caſe of her majeſty's deceaſe. From the 9th of June to the 30th, there was little done in relation to the public, except the reading this act, and reaſoning upon the ſeveral clauſes of it; for it was agreed, that it ſhould be conſidered paragraph by paragraph. When therefore, on the 9th of June, the bill was taken into conſideration, many ſpeeches were made, recommending to the members to proceed in that matter with the utmoſt caution and deliberation. Among the reſt, the lord Belhaven made a deduction of the ſeveral projects, which, from Henry the Seventh's time, had been ſet on foot towards uniting the two kingdoms, with an enumeration of the inſtances of decay in the Scots nation, ſince their kings reſided in England; and of the opportunities they had loſt of making good terms for themſelves, by the artful offers of an union made to them by their neighbours to lull them aſleep; concluding, that by this act they had it in their power to provide againſt any further diſappointments. The act of ſecurity.

After the houſe had entered upon the conſideration of ſome clauſes of the act, it was repreſented, that it would be neceſſary to reſcind the ſecond act of the third parliament of king Charles II. 'eſtabliſhing the ſucceſſion of the crown in 'the next blood in the royal line, of whatſoever religion.' Whereupon the queen's advocate took out of his pocket an act ready drawn, 'for reſcinding the ſaid act, ſo far as the 'ſame was inconſiſtent with the Claim of Right, and the 'preſent ſettlement made in king William's time.' Againſt this it was urged, that, by the Claim of Right, all Popiſh ſucceſſors being excluded, they ſhould by this clauſe determine the ſucceſſion to be lodged in the family of Hanover, who were the neareſt Proteſtants of the royal blood. And though the generality of the Preſbyterians, and all the miniſtry, except the marquis of Athol, viſcount Tarbat, and the lord juſtice clerk, preſſed to have this act read the firſt time;

Anne. 1703. yet it was carried by a conſiderable majority, that it ſhould lie on the table (c).

On the 1ſt of July, the act for the ſecurity of the kingdom being read, a member moved for inſerting in it ſuch preliminaries, in caſe of a ſucceſſor not of the queen's own body, as ſhould ſufficiently ſecure the Scots nation againſt the misfortunes ariſing from the influence of foreign counſels. This was ſeconded by a great many members; and, after ſome debate, it was agreed, that the act ſhould be conſidered paragraph by paragraph. The next day it was reſolved, that the eſtates of the nation ſhould meet upon the 20th day after the queen's deceaſe, and that the government ſhould be lodged in their hands on that day. The 5th of July, a clauſe was added, excluding Papiſts from being members of the eſtates; and, on the 6th, another clauſe was offered, "That no Engliſhman or foreigner, having a Scots "title, and not having an eſtate of a thouſand pounds ſter"ling yearly rent within this kingdom, ſhall have place and "vote in that meeting of eſtates." Againſt this clauſe it was urged by the marquis of Athol, that the privilege of peerage belonged to ſome by birth, and to others by immediate creation. That, in the firſt of theſe caſes, the private birthright of ſome noblemen might be injured; and, in the other, the prerogative ſeemed to be impaired. To this it was anſwered, firſt, that this clauſe was no incroaching upon the property and birthright of thoſe peers, who were to be excluded at that time, ſeeing the excluſion was for that time alone, at which there was an affair to be negotiated, which was purely a Scots concern, viz. the chuſing a ſucceſſor for

(c) The author of the proceedings in this parliament ſays (p. 228.) This clauſe, for reſcinding the act of 1681 about the ſucceſſion, occaſioned great debates among the ſeveral parties upon very different views. The St. Germain's party were againſt reſcinding it, totally, becauſe, being made in favour of the duke of York, and the lineal ſucceſſion, they think it may ſtill give them a handle to bring in his pretended ſon. The Hanover party was againſt reſcinding it totally, becauſe they think, that Popiſh ſucceſſors being excluded by the claim of right, the next Proteſtant in the line ſucceeds of courſe, and the duke of Hamilton and the country-party were for reſcinding it totally, to cut off both thoſe pretenſions; and, when it came to the vote, it was carried only by one, and that too a great miniſter of ſtate, that it ſhould not be totally reſcinded, but in ſo far only as it might countenance a Popiſh ſucceſſor.

the

the kingdom of Scotland. Secondly, That poſſeſſion and property is the true title for repreſentation; and, though the crown, which is the fountain of honour, be not reſtrained to diſpenſe titles according to that rule, yet, in this very nice caſe, there could be no exception made againſt excluding thoſe from voting, who not only had no poſſeſſion or intereſt in Scotland to repreſent, but who, on the contrary, had poſſeſſion and intereſt elſewhere, which might claſh with the intereſt of the Scots nation. Thirdly, That in the affair, which was to be the ſubject-matter of the conſideration of that meeting of the eſtates, the nominating a ſucceſſor, the Engliſh were already predetermined and pre-engaged in their own choice. And though it ſhould prove to be the intereſt of Scotland, not to enter into the ſame nomination with England, yet thoſe predetermined peers, who had eſtates in England, would never riſque them, to give a fair vote for the intereſt of Scotland, where they had no eſtate to loſe; and therefore the clauſe was inſiſted on as proper. After ſome debate, the clauſe was put to the vote, and carried in the affirmative; but, before voting, the marquis of Athol proteſted, that this vote might not prejudice the undoubted right of all Scots Proteſtant peers: To which proteſt ſeveral other peers adhered. Then the marquis of Annandale, the duke of Argyle, and the earl of Kincardine alſo proteſted, that the vote might not be prejudicial to the privileges of the peers of Scotland, whether they be Scotſmen or Engliſh. On the 7th of July, it was moved, That ſuch limitations as ſhould be thought neceſſary to be put upon the ſucceſſor, might be conſidered; and particularly a clauſe was offered, that the kingdom ſhould not be engaged in any war, but by the advice and conſent of the parliament. This clauſe being read, a long debate enſued, wherein it was urged, "That "the ſettling the limitations upon the ſucceſſor, was more "proper to be done by that parliament or meeting of the "eſtates, which ſhould name the ſucceſſor; and that "the whole Act of Security might perhaps be loſt, if it "ſhould be cramped by ſuch limitations." Upon which, it was carried by a majority of twenty-ſix voices, 'Not to proceed to the limitations on the ſucceſſor in this act.' However, it was afterwards voted, that the act touching peace and war ſhould be conſidered, next after the act of ſecurity. Anne. 1703.

On the 9th of July, upon a debate relating to the regency, in caſe the ſucceſſor to be named were under age, it was reſolved to refer that matter to the wiſdom of the meeting of the

Anne. 1703. the eſtates. Five days after, it was moved, that the clauſe, impowering the meeting of the eſtates to declare a ſucceſſor to the crown of the royal line and of the Proteſtant religion, might receive the addition of theſe words, 'of the true Proteſtant religion, as by law eſtabliſhed, within this kingdom.' Againſt which it was urged, That the coronation-oath was a ſufficient teſt to engage the ſucceſſor (being a Proteſtant) to maintain the church, as by law eſtabliſhed. To this it was anſwered, "That ſince the wiſdom of this "houſe had thought fit to exclude Papiſts, who profeſſed the "doctrine of Tranſubſtantiation, from having any acceſs to "a Scots government; ſo he ſaw no reaſon why Lutherans, "who profeſs the doctrine of Conſubſtantiation, ought not "likewiſe to be excluded; and more eſpecially, conſidering "that by this means the family of Hanover would be exclu-"ded, which was both proper and neceſſary, conſidering "that the Engliſh had named that family for their ſucceſſor. "For he ſaw plainly, that the Scots nation muſt reſolve to "be in continual ſlavery, if they ſhould go into the ſame "nomination with England, unleſs they had ſuch condi-"tions of government ſettled within themſelves, as might "ſecure their liberty and trade; of which he ſaw no great "appearance at this time, ſince it was evident from ſeveral "ſtruggles within theſe few days, that the miniſtry were in "concert with the miniſtry of England, to continue the "Scots nation under the ſame ſlavery as formerly; and there-"fore he did ſecond that clauſe, and would ſecond any "other clauſe whatſoever, which might put the Scots na-"tion under a diſtinct government from that of England, "ſeeing they could not obtain ſuch reaſonable terms, as "might make them eaſy under one and the ſame ſucceſſor." Upon this occaſion Mr. Grant informed the houſe, that he had inſtructions from the barons of the ſhire of Inverneſs, whom he repreſented, not to enter into any terms of ſucceſſion, the ſame with England, unleſs firſt there ſhould be ſuch conditions of government, and terms of union of trade, previouſly concerted, paſſed and ratified by the parliaments of both kingdoms, as ſhould put the Scots nation upon an equal foot with their neighbours. After ſome debate, the queſtion was ſtated, either to 'add the words offered to the 'clauſe,' or to 'reſt upon the ſecurity by the coronation-'oath;' and it was carried for reſting on the coronation-oath.

On the 16th of July, a clauſe was offered by the earl of Roxburgh, "providing the ſucceſſor to be named by the "meet-

" meeting of the eſtates, be not the ſucceſſor to the crown of Anne.
" England, unleſs in this ſeſſion of parliament there be ſuch 1703.
" conditions of government ſettled and enacted, as may ſe-
" cure the honour and independency of the crown of this
" kingdom, the freedom, frequency, and power of parlia-
" ments, and the religion, liberty, and trade of the na-
" tion, from the Engliſh or foreign influence." It was urged againſt the clauſe, that it imported limitations upon the ſucceſſor, which had been by a former day's vote excluded out of this act. To which it was anſwered, That by this clauſe, there was no limitation deſigned to be brought into this act, but that the clauſe did only in general ſecure a capitulation for ſome proper conditions of government to be ſettled in the ſeſſion of parliament, 'in caſe the nation 'ſhould think fit to name the ſame ſucceſſor with England,' in the ſame manner as the other day's reſolve had made a capitulation for the act of peace and war in particular. It was again objected, That, as this clauſe was conceived, the making of the conditions of government was too peremptorily reſtrained to this ſeſſion of parliament; and therefore it was moved, that, inſtead of 'this ſeſſion of parliament,' it ſhould be, 'in this or any other ſeſſion of parliament.' To this it was anſwered, " That whilſt the members were de-
" ſigning to ſecure a capitulation for ſettling ſuch conditions
" of government, as might anſwer no leſs important ends
" than the honour and ſafety of the Scots crown, relieving
" the nation from ſlavery, and thereby to extinguiſh the
" jealouſies, which muſt, for all future ages, make both
" nations uneaſy; that, when they were projecting ſuch
" good things with all imaginable diſpatch in this parliament,
" they were told of an expedient for a new delay, by turn-
" ing them off to ſome future parliament; which, upon the
" whole matter, aimed at nothing leſs than an intire diſap-
" pointment of thoſe generous deſigns. And therefore it
" was hoped, that the wiſdom of the houſe would enter im-
" mediately into the clauſe, as at firſt offered." The queſtion being put, whether 'to add the clauſe, or not,' ſome members threw in a great many new expedients, which occaſioned ſeveral warm ſpeeches; and it being late, and the houſe in great heat and confuſion, ſeveral members preſſed for a delay. The chancellor ſeconded this motion, adding, that this debate ſhould be reſumed the next ſitting, and, by the commiſſioner's order, adjourned the parliament for four days. This adjournment without a vote, in the midſt of a debate, was immediately proteſted againſt as illegal, and an ad-

Anne. 1703. addreſs to the queen was framed and ſubſcribed by above ſeventy members; but, on the 20th of July, the next day of meeting, the chancellor declaring, "That there was no "manner of deſign by that adjournment to incroach upon "the privilege of the parliament;" a ſtop was put to the addreſs. The next day, the houſe proceeded on the earl of Roxburgh's clauſe; but, after reading it, there was another offered by the queen's advocate, "providing, that, after her "majeſty's deceaſe, without heirs of her body, the ſame "perſon ſhall in no event be capable to be king or queen of "both kingdoms of England and Scotland, unleſs a free "communication of trade, the freedom of navigation, and "the liberty of the plantations be fully agreed to, and eſta-"bliſhed by the parliament and kingdom of England, in fa-"vour of the kingdom and ſubjects of Scotland, at the ſight "and to the ſatisfaction of this or any enſuing parliament of "Scotland, or the ſaid meeting of eſtates." After this clauſe was read, it was moved, that it ſhould be added to the Act of Security, inſtead of the clauſe offered by the earl of Roxburgh; and this motion was ſeconded by all the miniſtry and their dependents. After a long debate, ſome urging, to have the clauſe offered relating to the Conditions of Government added to the Act of Security; others inſiſting, to have the clauſe relating to Communication of Trade added; it was propoſed, that both the clauſes ſhould be joined, and added to the Act of Security, which, on the 26th of July, was, after a long debate, carried by a majority of ſeventy-two voices: But the marquis of Annandale, lord preſident, and the duke of Argyle, proteſted againſt it, to which ſeveral others adhered. Other clauſes were afterwards offered, and, notwithſtanding the ſtrong oppoſition from the miniſtry, added to the Act, which, on the 13th of Auguſt, was read, and approved by a majority of fifty-nine voices (d). The Act of

(d) The other clauſes were: That the eſtates ſhould not nominate a ſucceſſor, till twenty days after their meeting: That it ſhould be high treaſon to adminiſter the coronation-oath, but by the appointment of the eſtates; or to own any perſon as king or queen, after her majeſty's deceaſe, till they take the coronation-oath, and accept the terms of the claim of right, and ſuch conditions as ſhall be ſettled in this or any enſuing parliament: That, in caſe there be no parliament at the queen's death, the adminiſtration ſhall be in the hands of ſuch members of parliament, and of the privy-council laſt in being, as ſhall be in Edinburgh, or come there before the 20th day: That all

Anno. 1703.

of Security being thus ſolemnly paſſed, inſtances were made to the commiſſioner, that he would give the royal aſſent, which, it was urged, would encourge the members to go the more chearfully upon the matter of ſubſidies. And it was alſo repreſented, that the Negative to any act approved in parliament had never been aſſerted before the year 1660. But the high-commiſſioner declined giving an anſwer till the 10th of September, when he told them, in a ſpeech, that he had received the queen's pleaſure, and was empowered to give the royal aſſent to all the acts voted in this ſeſſion, except only "the act for ſecurity of the kingdom." Upon this, it was moved, that the queen ſhould be addreſſed for her aſſent; but, the queſtion being put, it was carried againſt this addreſs by twelve voices. Both before and after the commiſſioner had refuſed to paſs the ſecurity-act, there were ſeveral remarkable motions and bills, particularly upon the ſubject of limitations. On the 6th of September, the earl of Marchmont gave in an act concerning the ſucceſſion, which occaſioned very great heats in the houſe, becauſe he had named in it the family of Hanover, and was therefore rejected by many, as contrary to the act of ſecurity. Whether the earl was provoked to bring in this overture by the madneſs of the St. Germain's party, or by the jealouſy of ſome of thoſe of the Revolution, it appeared, that it was not done by concert, and therefore gave a general diſguſt. After this, ſuch limitations were offered, as almoſt turned the monarchy into a commonwealth, with the empty name of a king: For it was propoſed, that the whole adminiſtration ſhould be committed to a council, named by the parliament, and that the legiſlature ſhould be entirely in the parliament, by which no ſhadow of power was left with the crown, and it was to be merely a nominal thing. But, after many warm debates, theſe matters were put off by a ſudden adjournment. However, one act of limitation upon a ſucceſſor paſſed, which was of ſome importance. It was declared, that, after her majeſty's deceaſe, no king or queen of Scotland ſhould have power to make peace or war, without conſent of parliament.

all commiſſions of the civil officers, except ſheriffs, ſtewards, and juſtices of the peace, and of all military officers above captains, ſhall, upon the queen's deceaſe, be void: That all Proteſtant heretors and freeholders, and all burgis, ſhall forthwith provide themſelves with fire-arms for all the offencible men within their reſpective bounds, and diſcipline them once a month.

An

Anne. 1703.

An act also passed, allowing the importation of French wines, and other liquors, which, as was pretended, were to be imported in the ships of a neutral state. The truth was, the revenue was so exhausted, that they had not enough to support the government, without such help. Those, who desired to drink Claret, and all concerned in trade, ran into it, by which means the bill was carried, though with great opposition. The Jacobites were also for it, since it opened a free correspondence with France. It was certainly against the public interest of the government, in opposition to which private interest does often prevail. As there were acts in being, that made scandalous speeches or writings punishable with death, it was now enacted, that such crimes should be punished according to the demerit of the transgression, by fining, imprisonment, or banishment. An act also passed in favour of the company trading to Africa and the Indies; and another, for a commission concerning the public accounts. Moreover, the parliament made void the commission for treating of an union with England, and discharged any other commission for that end, without their consent. Notwithstanding these, and the acts for ratifying the claim of right, and establishing the Presbyterian church-government. Since the duke of Queensberry would not pass the act for the security of the kingdom, nor suffer them to proceed in their limitations upon a successor, they would give no supply; and he was forced to adjourn the parliament to the 12th of October, without having any subsidies granted. By this means the pay of the army, with the charge of the government, was to run upon credit; and matters were like to come to extremities, for a national humour of rendering themselves a free and independent kingdom had so inflamed them, that they seemed capable of the most extravagant things that could be suggested to them (e).

Sept. 15.

Thus

(e) The proceedings of the parliament, after the 13th of August, when the act for security of the nation was finished, may be seen in the folloing extract: When the parliament found the commissioner would not give an answer to their instances for passing the security-act, it was moved, on the 25th of August, that the house should go upon the consideration of some overtures for securing the liberties of the nation, conformable to the tenour of the grand resolve, entered into the 28th of May. Against which it was urged, that, according to the terms of that resolve, the house had already made considerable progress in the matter of religion and liberty; and that trade was next

Thus ended this famous ſeſſion of parliament, in which the greateſt part of the miniſtry had abandoned the duke of Queenſbury, Anne. 1703.

Remarks on this ſeſſion.

next in order. Upon which ſeveral bills for trade were offered and read, particularly, an act allowing the importation of all ſorts of wines and other foreign liquors. As this overture was oppoſed by ſeveral members as prejudicial to the trade of the nation, it was alledged by one of the miniſtry, that it was very well known, that the cuſtoms on wines was the chief fund for the Civil Liſt; and unleſs the importation of Portugal wines were reſtored, the government could not be ſupported, conſidering, that the funds were now very far deficient. This was ſeconded by another member, repreſenting the great benefit which would ariſe to the kingdom in general, and to the towns in particular, by the French trade; and concluding, 'That unleſs that act 'was paſſed, the ſubjects might 'plow up their towns, and 'burn their ſhips.' To this a member anſwered, "That, ſince he heard ſuch harſh expreſſions as theſe come from about the throne, for no other reaſon, but to amuſe and miſlead the boroughs with pretended advantages of trade, the members muſt take the liberty to tell their mind the more freely. That he did openly aver, that it was plain to all this houſe, that the nation was ruined in all its concerns both of liberty and trade, by the moſt treacherous artificies of thoſe, who were in the miniſtry." Upon this, ſome about the throne ſaid, that theſe expreſſions ought 'to be taken no-'tice of.' To which the ſame member anſwered, "That he heard it murmured about the throne, that his expreſſions ought to be taken notice of; but he defied any body to take notice of them, for they all knew too well, that what he had ſpoken was a certain truth." It was again urged in behalf of the act, "That upon farther enquiry it would be found, that the trade with France was a trade beneficial to the nation, becauſe the French took Scots goods in return for their wines." So that, after a long and angry debate, the act was ordered to be marked a firſt reading.

The 6th of September, the earl of Marchmont deſired leave of the houſe to withdraw an 'act, containing ſome limita-'tions upon the ſucceſſor,' which had been lately preſented by him, but had not yet been read. His deſire being granted, as ſoon as his lordſhip had withdrawn that act, he begged leave to preſent another in its room, which he deſired might be read. This was an act to 'ſettle the ſucceſſion on the houſe of Ha-'nover;' and, as his lordſhip had not ſignified what the import of it was, no body oppoſed his motion for the reading of it; but when the clerk came to that paragraph, where it ſubſtitutes the princeſs Sophia, &c. no ſooner were thoſe words out of his mouth, but the whole houſe

was

Anne. 1703. Queensberry, and particularly the earl of Seafield, lord chancellor, the marquis of Athol, lord privy-seal, and the lord viscount

was in a flame. Some moved to have the overture burnt; and others to have the earl, who offered it, called to the bar, and others to have him sent to the castle. After the house had shewed a general dissatisfaction against the thing, at length the chancellor procured silence, and the clerk was ordered to read it through; and the earl of Marchmont desired it might be marked a first reading, and was seconded by the marquis of Lothian and another member. But they were so warmly opposed, that there was not a vote demanded; and the earl of Marchmont proposed only, that the overture might be marked in the minutes, expressing the import of it, urging, "That the minutes ought always to record the matter of fact as passed in parliament." This was warmly opposed by a member, who said, "That though it is both customary and proper, that every thing, which is moved in the house, be marked in the minutes; yet the act now offered by the earl of Marchmont ought to be distinguished by some particular mark of indignation from this house, seeing the generality of the members had sufficiently shewn their sentiments, in relation to the nomination of a successor, and had so frequently in this session declared it to be their opinion, that the nation was at present in a very improper state for nominating a successor the same with England: And therefore the

had he could say, in behalf of this most unreasonable overture, was to move, that it might be buried in oblivion, and not marked in the minutes." Another member said, "That he heard an act offered, which seemed to contain some things inconsistent with the Act of Security, which had lately passed the vote of the house; and it was not unlikely, that the jealousy, which the members had contracted, that this act of settlement was not to receive the royal assent, prompted them to fold up new acts to supply it. That he very plainly foresaw, that this would promote the jealousy, which this nation had already contracted against their neighbours; and therefore he moved, that the lord chancellor might, as the mouth of the house, address her majesty's representative to give the royal assent to that act." This motion was seconded by a great many members; and, the earl of Marchmont still insisting to have his act marked in the minutes, as a privilege naturally due to all overtures, the question was stated, whether to mark the overture in the minutes, or not? And it was carried in the negative by fifty-seven votes.

On the 9th of September, it was represented by a member, "That this parliament had now sate very long, and, after a vast expence of money, time, and pains, had at length passed an act for the Security of the nation; and as it would be some recompence to the members to

see

Viſcount Tarbat, ſecretary of ſtate, with all who depended on them; yet, upon the concluſion of the ſeſſion, the marquis

Anne. 1703.

[redacted] act receive the royal aſſent, for it would, no doubt, be very ſatisfactory to the nation. And therefore he begged, that her majeſty's commiſſioner would give the royal aſſent to the act." This was ſeconded by a great many members; and, at length, a motion was made, that the houſe ſhould 'addreſs her majeſty to give the royal aſſent.' Againſt this it was urged, That the parliament had already done their part, by voting the act, and what remained to be done, was the queen's part; and that there was no need for addreſſing, ſeeing it was notified to the queen, that the parliament had voted the act. To this it was anſwered, "That, no doubt, it was made known to her majeſty by her miniſtry, that this act had paſſed the vote of the houſe: But that every body knew very well, that courtiers never fail to repreſent the blackſide of things; and therefore he concurred in that motion of ſeconding the former vote of the houſe, by a dutiful addreſs to her majeſty." After ſome further debate, and ſeveral warm ſpeeches, it was repreſented by the marquis of Tweedale, that it was ſomewhat too haſty to addreſs her majeſty for her aſſent, until the houſe knew from the commiſſioner, whether he was already inſtructed for that purpoſe; and therefore he begged, that the commiſſioner would declare his intentions. A great many members ſeconded this motion, and preſſed, that the commiſſioner would give the houſe ſo much ſatisfaction, as to let them know, whether or no he was inſtructed to paſs this act. But his grace did not think fit to give any anſwer in the matter. Thereupon another member, Mr. Fletcher of Salton, ſaid, "That he had ſeldom ſeen any benefit from addreſſes, and for that reaſon he was very little concerned, whether this houſe did at preſent addreſs her majeſty, or not. That he thought, that the acts, which the houſe had voted, were but very ſlender fences for the ſecurity of the nation: That the nation's caſe was Deſperate, and the Proviſions muſt be ſuitable. That he found ſome people were too forward in promoting the ſucceſſion of the houſe of Hanover, and others that of the prince of Wales; and that they were both contented to ſacrifice their own and their nation's liberty, rather than not accompliſh their deſigns. That he did conſider it as a very melancholy proſpect for this nation, that they were not to expect either of thoſe two ſucceſſors, but at the rate of being ſlaves, not to their Princes, but to their neighbours; for ſuppoſing, that, upon the one hand, this nation ſhould ſubmit either willingly, or by commiſſion, to the ſucceſſor of England, without ſuch conditions of government within themſelves, as ſhould ſecure them againſt the ſole influence of the Engliſh miniſtry upon their joint prince, in that caſe they

Anne. 1703.

quis was made a duke, and the lord Tarbat earl of Cromarty; which looked like rewarding them for their opposition. The

they were no better than slaves: Or, if on the other hand, the Scots should force their successor upon the English, without securing to themselves the conditions before-mentioned, they must still resolve to be under the same dependance, when conquerors, as when conquered. And therefore, that it was absolutely necessary for them to settle such conditions of government, as might place them in a reasonable state of freedom and security, whosoever might be the successor; and that to this purpose he offered an act, which might answer those ends." The first draught ran thus: "Our sovereign lady, with the advice and consent of the estates of parliament, statutes and ordains, that, after the decease of her majesty (whom God long preserve) and failing heirs of her body, no one shall succeed to the crown of this realm, that is likewise successor to the crown of England, but under the limitations following; which, together with the coronation-oath and claim of right, they shall swear to observe: That all places and offices, both civil and military, and all pensions formerly conferred upon our kings, shall ever after be given by parliament: That a new parliament shall be chosen every Michaelmas head-court, to sit the 1st of November thereafter, and adjourn themselves from time to time till next Michaelmas; and that they chuse their own president: That a committee of thirty six members, chosen by and out of the whole [illegible] without distinction [illegible] estates, shall, during the intervals of parliament, under the king, have the administration of the government, be his counsel, and accountable to parliament, with power, [illegible] extraordinary occasions, to [illegible] together."

After the act was read, the member said: "That he had not in this act made any nomination of a successor; and [illegible] was not, at present, in a condition for such a nomination; [illegible] seeing there was a great zeal amongst some for promoting the succession of Hanover, and no less among others for promoting that of the prince of Wales; therefore, to satisfy both, he had another act ready to offer, but which he need not read, seeing it was the very same with what was already offered in every circumstance, excepting only that it had a blank in it for nominating a successor. That he moved, that the members might go to work, and pen this act; and, immediately after that, let each party try their strength, and let the strongest carry the Nomination, and fill up the blank, according to the mind of the plurality. Then thus far he begged leave to declare his opinion, That he had rather concur in nominating the most rigid Papist with those conditions of government, than the truest Protestant without [illegible]." This motion

marquis of Douglaſs, though under age, was likewiſe made a duke; the viſcounts of Stair and Roſeberry were created earls of— Anne 1703.

motion was ſeconded by ſeveral members; but others urged againſt it, 'That the houſe was 'now in the middle of an act of 'trade, which ought to be fi-'niſhed before any other buſi-'neſs.' After ſome debate, and a great many new inſtances to the commiſſioner to give the royal aſſent to the Act of Security, a member ſaid, "That he found this houſe was to get no ſatisfaction from her majeſty's commiſſioner at this time; and it ſeemed, the nation was to expect as little good; and therefore, the next beſt clauſe was to prevent damage as much as poſſible. That it was to be feared, that there were lately ſome meetings betwixt ſome ſubjects of both kingdoms, in which ſeveral matters were agitated, in relation to an union between the two nations. That he ſhould not deſcend to an inquiry into the nature of the powers, by virtue of which the ſubjects of Scotland did meet upon ſuch a treaty. That thoſe things might be ſpoke to in due time; but at preſent he humbly conceived, there were two things worthy the conſideration of this houſe: The one was, that, ſeeing ſuch a treaty had been entered upon by ſome of the ſubjects of this nation, it ſeemed ſtrange, that nothing of that ſort had all this ſeſſion of parliament been laid before this houſe; and therefore he moved, That it be now laid before the houſe, to be conſidered by the members. The other thing was, that, ſeeing there were a great many things to be ſaid in relation to that treaty, which might be more ſeaſonably taken notice of at another time, therefore he moved, that a ſtop might be put to any further proceedings in that matter." This motion was ſeconded by a great many members; and, after ſome debate, there was a motion made and acquieſced to without a vote, "That the progreſs, and advances, made in the ſaid treaty, might be laid before the parliament next Sederunt, and declared by a vote of parliament, that the commiſſion granted for the ſaid treaty was determined and extinct; and that there ſhould be no new commiſſion for treating of any Union betwixt the kingdoms of Scotland and England, without conſent of parliament." After this was over, a great many members preſſed the commiſſioner to give the royal aſſent to the Act of Security; but no anſwer was made from the throne. At length a member ſaid, That, ſeeing ſo much had been ſaid without an anſwer, it was better to leave the commiſſioner to his reflections; that, perhaps, he would be ready to comply againſt next day; and that, therefore, he moved the houſe ſhould proceed to finiſh the act againſt the exportation of wool (which had been marked the firſt reading) and this was accordingly gone upon, put to the vote, and approved.

The next day, September 10,

Anne. 1703. of the ſame name; the lord Boyle, earl of Glaſgow; James Stuart of Bute, earl of Bute; Charles Hope of Hopton, earl of

the commiſſioner made the following ſpeech:

'My lords and gentle

'It was with great u
'to me, that I was forc
'ſilent yeſterday, when
'did appear earneſt,
'ſhould ſpeak. I have
'inclinations in the w
'give you full ſatisfactio
'I thought, that I ough
'be preſſed to give th
'aſſent, or to declare
'ſtructions in parliament
'I had made known to
'noble and worthy m
'beſides the queen's ſerva

'Now that theſe inſtan
'let fall, and that you
'proceeded to other buſineſs, to
'teſtify how willing I am to
'give you contentment in any
'thing, that is in my power, I
'tell you freely, that I have re-
'ceived her majeſty's pleaſure,
'and am fully impowered to
'give the royal aſſent to all the
'acts voted in this ſeſſion, ex-
'cepting only that act, intitled,
''an act for the ſecurity of th
''kingdom.' You may eaſily
'believe, that requires her ma
'jeſty's further conſideration
'At the ſame time her majeſt
'expects you will mind you
'own ſafety, in making nece
'ſary proviſions for the troop
'upon the preſent eſtabliſh
'ment; and that you will p
'the trade and cuſtoms on th
'foot, that the Civil Liſt may
'be ſupported. And I intre
'your lordſhips to finiſh theſe
'quickly as poſſible, that th

parliament of king Charles II. (which is the only act, upon which the negative is founded) was only made to obviate a practice, which had been uſurped by the eſtates in the time of the late rebellion, of making laws by their own vote, and promulgating ſuch votes, as having the authority of laws, without the Royal aſſent. And therefore by the ſaid act it is declared, 'That the Royal aſ-
'ſent is neceſſary and eſſential
'to give the force of a law to
'the vote of the houſe;' but from thence it could not be inferred, that the aſſent could be refuſed to an act altered, and ſolemnly paſſed the houſe; and that, till of late, the negative had never been interpoſed; and that but in very few caſes." After ſome debate, a motion was made to addreſs

of Hopton; John Crawford of Kilbiruce, viſcount of Garnock; and Sir James Primroſe of Carrington, viſcount of Primroſe. Anne. 1703.

'That ſhe would pleaſe to gratify the houſe in giving the 'royal aſſent to the act:' But the queſtion being put, 'Addreſs or proceed to other buſineſs;' it was carried, 'Proceed to other buſineſs,' by twelve voices. After this, Mr. Primroſe, who had been ſecretary to the treaty of Union, was ordered to lay the minutes of that treaty before the houſe at their next ſitting.

On the 13th of September, it was moved, that, ſeeing the royal aſſent had been refuſed to the Act of Security, therefore it was proper to go upon other overtures for the ſecurity of the nation upon the event of the queen's demiſe. Againſt this it was urged, that the houſe had concluded by a late reſolve to go upon overtures for trade: To which it was anſwered, That this laſt reſolve had been entered into, 'after the Act of Security' had paſſed the vote of the houſe, and whilſt it was not doubted, that the royal aſſent would be given to it; but that now, the royal aſſent being refuſed, the houſe did naturally recur to the ſtate of their firſt grand reſolve, entered into the 28th day of May. To this it was again replied, That the Act of Security was indeed now laid aſide, but perhaps it might afterwards receive the royal aſſent, when her majeſty had further conſidered of it; and that, beſides this Act of Security, there were ſome other very valuable acts paſſed in conſequence of that grand reſolve; ſuch as the act 'ſecuring Preſbyterian government, the act 'ratifying the claim of right, '&c.' to which acts the royal aſſent was now promiſed by her majeſty's commiſſioner; and therefore it was high time to go upon ſome further acts for trade. After a long and warm debate, the queſtion being put, 'To proceed either upon the 'act for limitation, or upon 'overtures for trade?' It was carried for the latter by a majority of eleven voices. This vote being over, the 'act for importing wine' was read, and, the queſtion for approving it being inſiſted on, the marquis of Tweedale ſaid, That, ſeeing no arguments could prevail with ſome people to part with this 'ſcandalous and pernicious act,' he thought it was very proper, that all honeſt men, who wiſhed well to the trade of their country and the honour of their queen, ſhould clear themſelves of the leaſt aſſent to it: And therefore, before the act was put to the vote, he entered a proteſtation for himſelf, and in the name of ſuch as ſhould adhere to it, "That this act, allowing the importation of French wines and brandy, ought not to paſs, as being diſhonourable to her majeſty, inconſiſtent with the grand alliance, wherein ſhe was engaged, and prejudicial to the honour, ſafety, intereſt, and trade of this kingdom." He deſired, that this proteſtation might be marked and inſerted in the re-

Anne. 1703. Primroſe. Soon after, the queen reſolved to revive the order of the Thiſtle, which had been raiſed by her father.

cords of parliament; and the ſame was adhered to by twenty peers, forty-three repreſentatives for ſhires, and twenty-one repreſentatives of boroughs; and then, the clauſe being put to the vote, it was carried in the affirmative. The next day, September 14, a clauſe was offered, 'That no Scots ſhip 'ſhould trade directly with 'France now in time of war;' but, ſeveral members objecting againſt it, the act was carried by a vote without it.

On the 15th of September, it was urged by a member, 'That this had been a very tedious and expenſive ſeſſion of parliament: That moſt part of it had been employed in adjuſting the Act of Security of this nation after her majeſty's deceaſe: That, ſeeing this Act of Security was now laid aſide, it was therefore high time for the houſe to employ themſelves in making new conditions. That there was an act now lying upon the table, offered by Mr. Fletcher, which he moved might be the ſtandard of future deliberations, as that formerly offered by the marquis of Athol had been the foundation of the Act of Security.' This motion being ſeconded by many members, the lord treaſurer repreſented, that the parliament had ſate a long time without providing funds for the army, which muſt of neceſſity be ſupported, both for maintaining the peace at home, and for defending the nation againſt invaſions from abroad.

father, but was let fall by the late king. It was to be carried in a green ribbon, as the George is in a blue, and the glory was Anne. 1703.

would be free from the influence of Engliſh miniſters, by having their own places beſtowed by a Scots parliament. That ſuch an eſtabliſhment would not turn the form of the Scots government into a commonwealth, ſince there are precedents for it in ſome of the moſt abſolute monarchies in the world, particularly China, where all offices are beſtowed by the prince upon recommendation from his ſeveral councils in the ſeveral parts of his kingdoms: Nor would the prerogative be impaired by it; for, as to the prince's concern, it was only changing hands betwixt the advice of an Engliſh miniſtry and that of a Scots parliament. That a Scots parliament muſt know, who are perſons fit for the ſervice of their prince and nation, better than Engliſh miniſters, who, through their being unacquainted with the Scotſmen and Scots affairs, might commit miſtakes hurtful to both nations. That the Engliſh would be gainers by this act, as well as their prince, ſince all the advantage, they had by the preſent eſtabliſhment, was to have the vanity of directing Scots affairs by the humour of a few of their own miniſters, who (as appeared of late) had very much miſtaken the intereſt of England, in ſome directions they gave relating to the Scots affairs. That by theſe means Scotland was impoveriſhed, and rendered incapable of giving that joint aſſiſtance againſt the common enemy, which otherwiſe they might, if they were allowed to manage their own trade and buſineſs to the beſt advantage. That theſe difficulties muſt certainly make the nation uneaſy in their preſent condition, and would certainly diſpoſe them to lay hold on any opportunity of amending their condition, though to the ruin of their neighbours.

The chancellor made an anſwer to this ſpeech, repreſenting the act as laying a ſcheme for a commonwealth, and tending to innovate the conſtitution of the monarchy. And then the miniſtry offered a ſtate of a vote for giving a firſt reading either to Mr. Fletcher's act, or to the act of ſubſidy. There were many of the country party, who had no mind to go to the full extent of Mr. Fletcher's act, but were withal reſolved to go upon the conſideration of overtures for the liberty of the nation. Theſe urged another ſtate of a vote, viz. 'overtures for ſubſidies,' or 'overtures for liberty?' But the miniſtry preſſed the firſt ſtate of the vote. Upon which Mr. Fletcher alledged, "That he had the honour to offer an act for ſecuring the liberties of the nation againſt Engliſh influences. That it was his opinion, that the condition of the nation was ſo far gone into ruin, that the proviſions in this act were abſolutely neceſſary for its relief. That he doubted not to make this appear by reaſons unanſwerable; but that he found.

Anne. 1703. was in the form of a St. Andrew's croſs, with a thiſtle in the middle. Argyle and Athol, Annandale, Orkney, and Seafield

found ſome people very ready to pervert the meaning of good deſigns: and, leſt any ſuch bad handle ſhould be made of an overture, which he had ſincerely deſigned for the good of his country, he begged leave to withdraw his overture:" adding, "That he ſhould be very ready to go into ſuch overtures, as the wiſdom of the houſe ſhould judge moſt proper for the honour and ſafety of the nation." Then the other ſtate of the vote was offered, 'overtures for liberty,' or 'overtures for a ſubſidy.' Here the miniſtry were at a loſs, for they knew, that overtures for Liberty would be carried; and, by Mr. Fletcher's withdrawing his act, they were obliged to look out for another ſtate of a vote. This put them to a conſultation about the throne, during which time the members called from all ſides of the houſe for a vote upon the queſtion, as ſtated, Liberty, or Subſidy, and a great many warm expreſſions were thrown out againſt the miniſtry from people of all ranks. After ſome time ſpent in this manner, during which ſeveral uncertain and imperfect overtures of differing ſtates of queſtions were made; the commiſſioner moved from the throne, "That, if the houſe would agree to allow a firſt reading to the ſubſidy-act, he did promiſe, that, it ſhould not be heard of for three enſuing ſeſſions." To this a member anſwered, That he believed that thoſe about the throne did not expect, that this overture would take in the houſe; That the import of it was plainly this, that the act for a Subſidy ſhould get a firſt reading now; then the houſe ſhould have three ſhort ſittings for the Liberties of the nation; and the fourth ſhould complete the Subſidy. After which the houſe was ſure to be adjourned. But that we [illegible] certain the houſe was better acquainted with the artifices of the miniſtry, than to be miſled by ſuch [illegible]." Another member urged, "That it was now plain, the nation was to expect no other return for their expence and toil, than to be put to the charge of a Subſidy, and to lay down their necks under the yoke of ſlavery, which was prepared for them from that throne." A third member ſaid, "That he inſiſted upon having a vote upon the queſtion, which had been put. That he found, that, as the liberties were ſuppreſſed, ſo the privileges of parliament were like to be torn from them; but that he would rather venture his life than it ſhould be ſo; and ſhould rather to 'die a freeman,' than 'live a ſlave.' Some preſſed for the vote, and particularly the earl of Roxburgh, who added, "That, if there was no other way of obtaining ſo natural and undeniable a privilege of the parliament 'they would demand it with their ſwords in their hands.'" Whether or no the commiſſioner had information, that the houſe would

field were the firſt who had it, the number being limited to twelve. Anne 1703.

To ſuch a height did the diſorders in that kingdom riſe, that great ſkill and much ſecret practice ſeemed neceſſary to ſet matters right there. The averſion and jealouſy towards thoſe who had been moſt active in the laſt reign, and the favour ſhewn to thoſe, who were in king James's intereſt,

adhere to what they propoſed to be done, it is certain, that the foot guards were ordered to be in readineſs, and that, for ſeveral days before, a grand-guard was kept upon the Nether-bow Port; and lieutenant-general Ramſay was heard to ſay in his cups, 'That means would 'be found to make the parliament calm enough.' However, the commiſſioner, perceiving he ſhould be torn in pieces, if he withſtood the formidable oppoſition he ſaw againſt him, ordered the chancellor to acquaint the houſe, "That it was yielded the parliament ſhould proceed upon overtures for liberty next ſeſſion." Upon which aſſurance the members met the next morning, in order to prepare an overture for their purpoſe, which was in ſubſtance as follows: "That the elective members ſhould be choſen for every ſeat at the Michaelmas head courts; That there ſhould be a parliament held once in two years at leaſt: That the ſhort adjournments 'de die in diem' ſhould be made by the parliament themſelves as in England: That no officer of the army, cuſtoms, or exciſe, or gratuitous penſioner, ſhould ſit as an elective member." If ſuch an act had received the royal aſſent, the country-party had reſolved in giving a ſupply; but the commiſſioner was not inſtructed to purchaſe it at that rate; and, having notice of what paſſed, he called for ſuch acts as he was impowered to paſs, and, having given the royal aſſent to them, made the following ſpeech to the parliament:

'My lords and gentlemen,

'We have now paſſed ſeveral 'good acts for our religion, li- 'berty, and trade, which, I 'hope, will be acceptable to all 'her majeſty's good ſubjects. I 'wiſh you had alſo given the 'ſupplies neceſſary for the main- 'taining of her majeſty's forces, 'and preſerving the peace and 'ſafety of the kingdom. But 'ſince, I hope, this may yet be 'done in due time, and that 'beſides ſome queſtions and dif- 'ficulties are fallen, that, in all 'probability, you can have no 'time to determine; and that 'withal, it is fit her majeſty 'ſhould have time to conſider 'upon ſuch things, that have 'been laid before her; and, 'that we may know her mind 'therein more perfectly, a ſhort 'receſs appears at preſent to be 'neceſſary; and that this parlia- 'ment be adjourned for ſome 'time. And therefore I have 'ordered my lord chancellor to 'adjourn this parliament until 'the 12th of October next." Which the lord chancellor did accordingly.

had

Anne. 1703. had an appearance of bringing matters out of an exceſs to a temper; and it was much magnified by thoſe who intended to flatter the queen, on deſign to ruin her. Though the ſame meaſures were taken in England, yet there was leſs danger in following them there, than in Scotland. Errors might be ſooner obſerved, and eaſier corrected, where perſons are in view, are watched in all their motions; but this might prove fatal at a greater diſtance, where it was more eaſy to deny or palliate things, with greater aſſurance. The duke of Queensberry's engroſſing all things to himſelf, increaſed the diſcredit at the credit he was in. He had begun a practice of drawing out the ſeſſions of parliament to an unuſual length; by which his appointments exhauſted ſo much of the revenue, that the reſt of the miniſters were not paid; which will always breed diſcontent. He truſted entirely to a few perſons, and his conduct was liable to juſt exceptions. Some of thoſe who had the greateſt credit with him, were believed to be in a foreign intereſt; and his paſſing, to further promote, an act, which opened a correſpondence with France, was conſidered as a deſign to ſettle a commerce there; and, upon that, his fidelity or his capacity were much queſtioned.

BOOK XXVIII. CHAP. III.

Affairs in Ireland.—Affairs at sea go ill.—Graydon's expedition to America.—A fleet sent into the Mediterranean.—Insurrection of the Cevennois.—A resolution to support them.—Archduke of Austria declared king of Spain.—Complaints about the fleet.—Preparations for the campaign.—Death of the marquis of Blandford.—Battle of Scardigen.—Elector of Bavaria takes possession of Ratisbon.—Bonne taken.—Tongeren taken by the French and abandoned.—Battle of Eckenen.—Battle of Spirebach.—A war in Hungary.—The duke of Savoy comes into the grand alliance.—A treaty with the king of Portugal.—The great storm.—The new king of Spain comes into England.—Affairs of Poland.—The second session of queen Anne's first parliament.—The bill against occasional conformity revived.—A plot discovered.—Disputes between the two houses in addresses to the queen.—Proceedings upon the plot.—The case of Ashby and White.—The queen gives the first fruits and tenths for the augmentation of small livings.—Inquiry into the fleet.—A bill for examining the public accounts let fall.—Act for recruits.—Session ends with a speech from the throne.—Proceedings of the convocation.

WHILST things were in this situation in Scotland, there were also high discontents in Ireland, occasioned by the behaviour of the trustees for forfeited estates. The duke of Ormond was the better received, when he went to that government, because he came after the earl of Rochester, till it appeared, that he was in all things governed by him; and that he pursued the measures, which that earl had began to take, of raising new divisions in that kingdom; for, before that time, the only division in Ireland was that of English, and Irish, Protestants and Papists. But now an animosity came to be raised there, as in England, between Whig

Affairs of Ireland. Burnet. Hist. of Europe.

Anne. 1703.

Whig and Tory. The wiſer ſort of the Engliſh reſolved to oppoſe this all they could, and to proceed with temper and moderation. The parliament was opened at Dublin, on the 21ſt of September, with a ſpeech by the duke to both houſes, importing, 'That it were to be wiſhed, they were in a 'condition to provide for ſuch fortifications, as would moſt 'conduce to the ſafety of the kingdom, and particularly of 'Limerick, and for building the barracks, but that, with 'her majeſty expected from the commons at that time, was 'only, that the public debts be diſcharged, and the re'nue made equal to the expence of the government, which 'was much increaſed by the charge of the barracks; and 'they were found ſo uſeful, and ſo great an eaſe to the 'country, that they ought not to be neglected.' The lords of both houſes, 'That ſince the queen had done him the 'nour to place him in that ſtation, as his duty and gratitude 'obliged him to ſerve her majeſty with the utmoſt diligence 'and fidelity; ſo his inclination and intereſt, and the exam'ples of his anceſtors, were indiſpenſible obligations upon 'him to improve every opportunity, to the advantage and 'proſperity of this his native country: And that, ſince he 'had no other deſign, than what they all aimed at, the 'queen's ſervice, and the good of their country, he only re'commended to them, that they might unite and agree in 'the ſame meaſures, and purſue them with wiſdom and tem'per.' The commons, being returned to their houſe, made choice of Allen Brodrick, the queen's ſollicitor-general, to be their ſpeaker. The firſt thing both houſes went upon was the framing addreſſes, both to the queen and the lord-lieutenant, which carried the compliments to the duke of Ormond ſo far, as if no other perſon, beſides himſelf, could have given them the ſettlement, they expected from his government. The truſtees of the forfeited eſtates had raiſed a ſcandal upon the Iriſh nation, as if they deſigned to ſet up an independence upon England; ſo that the commons, in their addreſs to the queen, ſaid, 'They could not, but with the deepeſt 'concern, take notice to her majeſty, that her enemies, by 'many groundleſs and moſt falſe calumnies, had miſrepre'ſented them; the ſad and ſevere effects whereof they 'ſenſibly felt; and eſpecially, as if they thought themſelves 'or deſired to be, independent of the crown of England. 'That therefore, to vindicate themſelves from ſuch foul and 'unworthy aſperſions, they declared and acknowledged, that 'the kingdom of Ireland was annexed and united to the im'perial crown of England.' The commons, in all occaſions,

tions, expreſſed their hatred of the truſtees, and of their pro- Anne.
ceedings; yet they would not preſume to meddle with any 1703.
thing they had done, purſuant to the act that had paſſed in
England, inveſting the truſt in them. Accordingly, on the
25th of September, they reſolved, that all the Proteſtant
freeholders of that kingdom had been falſely and maliciouſly
miſrepreſented, traduced, and abuſed, in a repreſentation of
them made in a book, intitled, 'The report of the com-
'miſſioners, appointed to inquire into the Iriſh forfeitures;'
in which were theſe words: "And indeed it does appear,
"that the freeholders of this kingdom, through length of
"time, and by contracting new friendſhips with the Iriſh,
"or by interpurchaſing with one another, but chiefly
"through a general diſlike of the diſpoſitions of the for-
"feitures, are ſcarce willing to find any perſon guilty of the
"late rebellion, even upon full evidence." And it appear-
ing to the houſe, that Francis Anneſley, member of it, and
John Trenchard, Henry Lanford, and James Hamilton,
were authors of that book; it was reſolved that they had
ſcandalouſly and maliciouſly miſrepreſented and traduced the
Proteſtant freeholders of that kingdom, and endeavoured to
create a miſunderſtanding and jealouſy between the people of
England and the Proteſtants of that kingdom. Upon which
Anneſley was expelled the houſe, with this particular mark
of diſgrace, that no warrant ſhould be iſſued this ſeſſion to
elect a new member for Down-patrick in his room. Hamil-
ton being dead, no queſtion was put about him; and Tren-
chard was got ſafe into England.

The truſtees haſtily finiſhed their affairs before the meet-
ing of this parliament; and ſome London merchants, un-
derſtanding there were good pennyworths to be had, ſent
agents over to Dublin, to purchaſe, in a lump, what was
left unſold. To do it as a corporation, they examined the
powers in the charters of ſeveral companies in London, that
they might purchaſe under one, by which the company was
impowered to buy lands without ſtint, or, at leaſt, a very
large one; ſuch was the charter to the Sword-Blade com-
pany erected and incorporated to ſet up that manufacture in
Cumberland, or one of the neighbouring counties, for the
uſe of the army, on the breaking out of the firſt confederate
war. They were enabled to purchaſe lands, to build mills
upon the rivers, and to provide for the reception and enter-
tainment of a great number of manufacturers from Germany;
which not turning to account, the Sword-Cutlers ſold their
charter to thoſe London merchants, who purchaſed about
twenty

Anne 1703. twenty thouſand pounds a year of the forfeited eſtates, and ſome of the beſt of thoſe eſtates, for a ſum not much greater than it was ſaid the grantees, or thoſe that held of them, offered, without putting the public to a penny charge: And theſe merchants, by the ſtile of 'The governor and company for 'making Sword-blades in England,' prayed, 'That heads 'of a bill might be brought in, for enabling them to take 'conveyances of lands in Ireland.' But the parliament were ſo little diſpoſed to guaranty the bargains of the truſtees, that their petition was ordered to lie upon the table; and there it lay with others that had no better ſucceſs (a).

The commons expelled Mr. John Aſgill (who was at the ſame time member of the houſe of commons in England) for a ſtrange book he had publiſhed, to prove out of Scripture, that a true Chriſtian ought to have ſo great a ſtock of faith, as to be tranſlated to heaven without dying. He had, as agent to the forementioned Sword-blade company, offered to lend money to the public in Ireland, at ſix per cent. on condition the parliament would paſs an act to confirm their purchaſe of the forfeited eſtates; but the company diſowned him in that offer, and, being ſummoned to appear before the houſe, to anſwer for his prevaricating with them, he pleaded his privilege as a member of parliament in England. Beſides his expulſion, he was voted incapable of ever ſitting in any parliament in Ireland.

The commons purſued the truſtees of the forfeited eſtates ſtill farther, For, in a repreſentation of the ſtate and grievances of the nation, which they agreed to offer to the queen, they begin with complaining, "That whereas her "majeſty's royal predeceſſors, of bleſſed memory, had al-"ways had the glory of being kings and queens of a free "people, diſtinguiſhed from the reſt of Europe by the emi-"nent privilege of being governed by their own laws, and "of enjoying their liberties under the dominion of a ſove-"reign prince, according to the moſt equal and juſt model "of government, that ever was framed; yet the conſtitution "of that kingdom of Ireland had been of late greatly ſhaken, "the lives, liberties, and eſtates of the ſubjects thereof be-"ing called in queſtion, and tried in a manner unknown to "their anceſtors. That when they conſidered the charge, "which the ſubjects of that kingdom had been unneceſſarily

(a) The Sword-Blade company ſold their eſtates afterwards to Mr. John Edwards, who had them cheap enough to have made a quick and a great market. Oldmix. II. 308.

"put

" put to by the late truſtees for the forfeited eſtates, in de-
" fending ſuch their juſt rights and titles, as had, after many
" and expenſive delays, been allowed by the ſaid truſtees,
" had exceeded in value the current caſh of that kingdom;
" they had but too great reaſon to believe, that this had
" been principally occaſioned through falſe and malicious
" reports and miſrepreſentations made of the Proteſtants of
" that kingdom, by deſigning and ill-meaning men, in or-
" der to create a miſunderſtanding between England and
" Ireland, and to promote beneficial employments for them-
" ſelves" (b).

The

(b) The reſt of the repreſentation was as follows:

" For, although her majeſty had been graciouſly pleaſed to aſſure them, that nothing of that kind had made any impreſſion on her majeſty to their prejudice, yet they were very ſenſible that that nation had exceedingly ſuffered thereby in the opinion of England. That they could not, without the greateſt grief of heart, reflect upon the great decay and loſs of their trade. That the kingdom being almoſt exhauſted of its caſh, and themſelves hindered from earning their livelihood, and from maintaining their own manufacturies, their poor were thereby become very numerous, eſpecially the induſtrious Proteſtants, who, in a country, wherein the number and power of the Papiſts is very formidable, ought, as they humbly conceived, to be encouraged. That very many Proteſtant families had been conſtrained to remove out of that kingdom, as well into Scotland, as to the dominions of foreign princes and ſtates. That their foreign trade and its returns, were under ſuch reſtrictions and diſcouragements, as now to become in a manner unprofitable, although that kingdom had of late, by its blood and treaſure, contributed to ſave the Plantation-trade to the people of England. That the want of holding frequent parliaments in Ireland had been a great encouragement to evil-minded men, who intended nothing but their own gain, though accompanied with the ruin and oppreſſion of her majeſty's good ſubjects. That many civil officers were arrived at ſuch a pitch of corruption, through hopes of impunity, as was almoſt inſupportable, thereby getting vaſt eſtates in a ſhort time in a poor country: That others in conſiderable employments, dwelt and reſided for the moſt part out of the kingdom, thereby neglecting the perſonal attendance on their duty, whilſt, in the mean time, their offices (which in effect were made mere Sine Cures) were but indifferently executed, to the great detriment of her majeſty's good ſubjects, and the great failure of juſtice; ſo that they were fully convinced that nothing but frequent parliaments, with permiſſion for them to ſit, and do the buſineſs of the nation, could prevent,

Anne. 1703. The commons offered the neceſſary ſupplies, and granted 150,000l. to make good the deficiency of the neceſſary branches of the eſtabliſhment, for the ſupport of the government for two years, ending at Michaelmas 1705. But, though the commons granted the ſupplies, they took exceptions to the accounts that were laid before them, and obſerved ſome errors in them. This begot an uneaſineſs in the duke of Ormond; for, though he was generous, and above all ſordid practices, yet, being a man of pleaſure, he was much in the power of thoſe who acted under him, and whoſe integrity was not ſo clear. A committee having been appointed to inſpect the public accounts, they had the thanks of the houſe, for ſaving the kingdom 103,368l., which by miſrepreſentation had been charged as a debt upon the nation; and were ordered to examine what perſons were concerned in repreſenting ſuch a ſum, over and above the funds granted

prevent, or reform ſo great and notorious abuſes. That they offered to her majeſty's princely conſideration this their moſt humble repreſentation, with hearts full of a ſenſe of their miſerable condition, yet ſupported with the hopes they had from the auſpicious reign of her moſt ſacred majeſty; not doubting her majeſty's care and protection of them. For it was from her majeſty's gracious interpoſition alone in their favour, that they propoſed to themſelves relief from theſe their manifold groans and misfortunes. And that they could not diſpair of her goodneſs extended towards them in ſuch a prudent and gracious manner, as might afford them relief, according to the exigencies of their condition, by reſtoring them to a full enjoyment of their conſtitution, or by promoting a more firm and ſtrict union with her majeſty's ſubjects of England; which would be to the advantage of that kingdom, nothing being a more certain truth, than that whatever riches Ireland can acquire, muſt at laſt neceſſarily center in the ſeat of the government." Concluding with theſe wiſhes: "May the choiceſt bleſſings of the great creator and preſerver of all things conſtantly attend your moſt ſacred majeſty: May you long continue to be the choiceſt bleſſing of your people, and the aſſerter of the liberties of Europe: And may we, your poor ſubjects of Ireland, be an eminent inſtance of your majeſty's having a juſt right to that moſt glorious title, that we may heartily join with the reſt of mankind in proclaiming, that your moſt excellent majeſty is not only the greateſt, but the beſt and juſteſt princeſs that ever reigned."

On the 25th of October, Mr. Southwell, ſecretary of ſtate, acquainted the houſe of commons, "That their repreſentation was a matter of the higheſt conſequence; and that his grace would take ſuch care as might moſt conduce to the ſervice of the nation."

by

by parliament, and the revenue neceſſary to ſupport the government, and pay the public debts to Michaelmas 1703. The commons likewiſe voted ſeveral penſions, amounting to above 17000l. a year, to be unneceſſary branches of the eſtabliſhment, and voted a proviſion for all the half-pay officers (a). They enacted the ſucceſſion of the crown to follow the pattern ſet them by England, in every particular, making it high-treaſon in Ireland, by word or writing, to impeach the ſucceſſion, as limited by ſeveral acts. But the great deſign of the commons was, to break the power of Popery, and the intereſt that the heads of the Iriſh families had among them. To this end they paſſed an act to prevent the growth of Popery; and, to make it the more ſolemn, the ſpeaker, attended by the houſe of commons, preſented a bill, on the 23d of November, to the lord-lieutenant, and made a ſpeech on the occaſion to the following effect: "That they looked on this bill to be of ſuch importance to "their future well-being, that they had begged leave to "attend his grace in a body with it, and not ſend it, as "in caſes of leſs weight is uſual; by particular members. "That the oppoſition conſtantly made in England by the "Papiſts of Ireland, againſt whatever might tend to the "ſecurity of her majeſty's Proteſtant ſubjects, induced the "commons to lay theſe heads of a bill in this ſolemn manner "before his grace. That they thought it now more par-"ticularly neceſſary, being well informed, and fully con-"vinced, that great ſums of money had been lately raiſed "among them, to oppoſe the paſſing a bill of this nature in "England; yet they doubted not, but the weight of the "thing, and the juſtice of their deſires, would be ſo effec-"tually laid before her majeſty by his grace, that all ob-"ſtacles would be ſurmounted, and an opportunity given

Anne. 1703.

(a) The firſt penſion taken off was 1200l. a year to the Preſbyterian miniſters of Ulſter granted by patent from king Charles II. for their loyalty and good ſervices to the crown. Among the reſt was a penſion of 5000l. to the counteſs of Dorcheſter, king James the ſecond's miſtreſs; another of 600l. during the life of the earl of Rochefter, to George Rodney Bridges; to the duke of St. Albans, one of 800l. and to the lord St. Albans another of 1642l. moſt of the others had been granted to Papiſts, probably in conſideration of ſome demands upon the grants of their eſtates. Among the penſions was reckoned that of the half-pay officers of 3814l. who were to be otherwiſe provided for. The whole of the penſions, voted unneceſſary, amounted to juſt 17634l. 0s. 0½d. a year.

Anne. 1703.

"them of aſſenting to the paſſing into a law, what they "conceived would be the greateſt ſecurity to the Proteſtant "religion and intereſt there" (b).

This 'bill to prevent the growth of Popery,' was ſomewhat like that, which had paſſed in England three years before *, but with ſome more effectual clauſes, for the want of which no advantage had been received in England from that act. The main difference was that, which made it look leſs invidious, and yet was more effectual for breaking the dependence on the heads of families: For it was provided, that all eſtates ſhould be equally divided among the children of Papiſts, notwithſtanding any ſettlements to the contrary, unleſs the perſons, on whom they were ſettled, qualified themſelves by taking the oaths, and coming to the communion of the Church. This ſeemed to carry no hardſhip to the family in general, and yet gave hopes of weakening that intereſt ſo conſiderably, that the bill was thus ſolemnly offered to the duke of Ormond. Accordingly it was ſent over to England warmly recommended by him; but it was as warmly oppoſed by thoſe, who had a mind to have a ſhare of the preſents, that were ready to be made by the Papiſts, who had raiſed a conſiderable ſum for that Purpoſe. The pretence for oppoſing it was, that, while the queen was ſo

* See page 401.

(b) At the ſame time was preſented alſo a bill, to encourage the linen-manufacture, with an addreſs to the queen: Upon which bill the ſpeaker added, 'That they had alſo framed and 'agreed to heads of a "bill for "the improvement of the linen-"manufacture," which they 'conceived might in time become 'uſeful to that kingdom, if liberty ſhould be given them to 'tranſport the linen-manufactures thereof directly to the 'Plantations, but would otherwiſe be deſtructive to the ſame. 'That, to obtain ſuch liberty, 'they had framed an humble 'addreſs to her majeſty, and 'relied on her great goodneſs 'to, and care of, her diſtreſſed 'people of that kingdom, that 'her majeſty would be, graciouſly to interpoſe in their favour with the parliament of England, that ſuch freedom might be allowed them, as one of the encouragements they had been induced to believe they ſhould have on their going into the linen trade, by the addreſs of the lords and commons of England.' Which addreſs they prayed his grace to lay before her majeſty. Thereupon the lord-lieutenant aſſured them, 'That he would 'take care to tranſmit theſe two 'bills, which were ſo much for 'the intereſt of the nation, and 'recommend them in the moſt 'effectual manner, according 'to their deſire, and do all that 'was in his power to prevent 'the growth of Popery.' [illegible] ſimply

deeply engaged with the emperor, and was interceding for favour to the Protestants in his dominions, it seemed not seasonable, and was scarce decent, to pass so severe a law against those of the religion. This pretence had the less strength, since it was very evident, that all the Irish Papists were in the French interest, and therefore there was no reason to apprehend, that the emperor would be much concerned for them. The parliament of England was sitting when this bill came over, and people were very intent upon the issue of it, so that the ministry judged it was not safe to deny it; but a clause was added, which they hoped would hinder its being accepted in Ireland. That matter was carried so secretly, that it was known to none but those who were at the council, till the news of it came from Ireland upon its being sent thither. The clause was to this purpose; That none in Ireland should be capable of any employment, or of being in the magistracy in any city, who did not qualify themselves by receiving the sacrament according to the test-act passed in England; which before this time had never been offered to the Irish nation. It was hoped, that, on account of this clause, those in Ireland who promoted it most, would now be the less fond of it, when they found it thus clogged. The greatest part of Ulster was possessed by the Scots, who adhered stiffly to their first education in Scotland: and they were so united in that way, that it was believed they could not find a sufficient number of men, who would qualify themselves, pursuant to this clause, to maintain the order and justice of the country. Yet, upon this occasion, the Irish parliament proceeded with great caution and wisdom: They reckoned, that this act, so far as it related to Papists, would have a certain and great effect for their common security; and that, when it was once passed, it would never be repealed; whereas, if great inconveniencies did arise to the Protestant Dissenters upon this new clause, it would be an easier thing to obtain a repeal of it in a subsequent parliament, either of England or Ireland. The act was therefore passed, and those who thought they had managed the matter with a master-piece of cunning, were outwitted by an Irish parliament. However, this artifice, and some other things in the duke of Ormond's conduct, put them into such an ill humour, that the supply was clogged and lessened by many clauses added to it.

On the 26th of November, the Irish house of commons voted a book, printed and published by Brocas and Maloane, intitled, "The Memoirs of the late king James II," &c. se-

 ditions,

Anne. 1703. ditious, and ordered it to be burnt by the hands of the common hangman; and Brocas the printer, Maloane the Bookſeller, and one Euſtace, (who brought theſe Memoirs from England, and gave them to Maloan, to print) to be proſecuted. It is remarkable, that, when the motion was made for burning the book, and proſecuting the printer, a member repreſented the great danger the Proteſtants were in, in ſome parts of Ireland, particularly in the county of Limerick, where the Iriſh were beginning to form themſelves into bodies, and to plunder the Proteſtants of their arms and money; adding, that the diſaffected there, held a correſpondence with thoſe in England, and were not out of hopes of reſtoring the pretended prince of Wales. Whereupon the houſe reſolved, 'That it appeared to them, that the Papiſts 'in that kingdom ſtill retained hopes of the coming in of the 'perſon, who went by the name of the prince of Wales, in 'the life-time of the late king James, and now by the name 'of James III.' But the ſame day Mr. ſecretary Southwell, by command of the lord lieutenant, acquainted the houſe, that it was his grace's pleaſure, that they ſhould adjourn till the 11th of January following, which was accordingly done (c). By this ſudden adjournment, when the houſe was exerting itſelf with great zeal againſt Popery, the ſeſſion ended in ſo much heat, that it was thought the parliament would meet no more, if the duke of Ormond (who was ſeverely reflected upon) was continued in the government.

Thus the parts of the government that were thought the moſt eaſily managed, Scotland and Ireland, had of late been put into ſo much diſorder, that it might prove no eaſy work to ſet them again in order: The government was every where going, as it were, out of joint: Its nerves and ſtrength ſeemed to be much ſlackened: The truſting and employing, not only violent Tories, but even known Jacobites, as it brought a weakneſs on the management, ſo it raiſed a jealouſy, that could not be eaſily cured. Stories were confidently vented, and by ſome eaſily believed, that the queen

(c) Beſides the act mentioned, there paſſed,

1. Act for an additional exciſe on beer, ale, and other liquors.

2. Act for encouraging the importation of iron, and [illegible] ſtaves.

3. Act to prevent Popiſh prieſts coming into the kingdom.

4. Act for ſecuring the liberty of the ſubject, and for prevention of impriſonment beyond the ſeas.

5. Act, for naturalizing all Proteſtant ſtrangers.

was convinced of [illegible] lone her pretended brother, and Anne. 1703.
that she was willing to put affairs in the hands of persons,
who [illegible] It was also observed, that our
court [illegible] with the house of Hanover,
and did nothing that was kinder or cordial looking that way:
Nor were any employed, who had expressed a particular zeal
for their interests: [illegible]ngs gave great jealousy: All
that was said in excuse for [illegible]ing such persons, was, that it
was fit once to try if good usage could soften them, and bring
them entirely into the [illegible]nterests: And assurances were
given that, if [illegible] the effect hoped for did not
follow, they should be again dismissed.

It is time now to turn to the operations of the war. The affairs at sea this year were ill designed, and worse executed. The making prince George our lord high-admiral proved, in many instances, very unhappy to the nation: Men of bad designs imposed on him, he understood those matters very little, and they sheltered themselves under his name, to which a great submission was paid; but the complaints rose the higher for that: Our main fleet was ready to go out in May, but the Dutch fleet was not yet come over; so Rooke was sent out, to alarm the coast of France; he lingered long in port, pretending ill health; upon that, Churchill was sent to command the fleet; but Rooke's health returned happily for him, or he thought fit to lay aside that pretence, and went to sea, where he continued a month; but in such a station, as if his design had been to keep far from meeting the French fleet, which sailed out at that time; and to do the enemy no harm, not so much as to disturb their quiet, by coming near their coast: At last he returned, without having attempted any thing. Affairs at sea. Burnet.

In March 1702-3, vice-admiral Graydon, a man brutal in his way, and not well affected to the present state of affairs, was sent to the West-Indies with a squadron of men of war; consisting of the Resolution, the Mountague, Nonsuch, and Blackwall, and several transports, with brigadier Columbine's regiment, some store-ships and merchant-men. The design was, to gather all the forces that were scattered throughout the plantations, and with that strength, to take Placentia, and drive the French out of the Newfoundland trade. But the secret of this was so ill kept, that it was commonly talked of before he sailed; and the French had timely notice of it, and sent a greater force to defend the place, than he could bring together to attack it. He set sail [illegible] Plymouth on the 13th of March, and, five days after, met Graydon's expedition to the West-Indies. Burnet. Burchet.

Anne. 1703. met with four French men of war under monsieur du Casse, sailing towards Brest, and visibly foul, and in no condition to make any resistance. Captain Clelan[illegible], who commanded the Mountaine, engaged the sternmost for some time; but, upon his first firing, the vice-admiral made a signal to call him off, [illegible] under orders not to lose any time in this 'passage, by chacing or speaking with any ships whatsoever, 'the contrary winds having kept them in Plymouth much 'longer than was intended, and the service, upon which 'he was bound, very much required his presence, and the 'regiment, that was with him.' Upon this the French men of war got safe into Brest. They were afterwards known to be monsieur du Casse's squadron, which had escaped Bembow about seven months before, and was now bringing treasure home from Carthagena, and other parts of the West-Indies, reported to be four millions of pieces of eight. But though by this means a rich booty was lost, yet so careful was the prince of Denmark's council to excuse every thing done by a man of war of their own party, that they ordered an advertisement to be inserted in the Gazette, to justify Graydon; in which it was declared, that, in pursuance of his orders, he had not engaged the French squadron. The orders were indeed strangely given; but the admirals had never thought themselves so limited by them, but that, upon great occasions, they might stretch beyond their private instructions, especially where the advantage was visible, as it was in this case; for, since they were out of the way of new orders, and new occasions might happen, which could not be known when their orders were given, the nature of the service seemed to give them a greater liberty, than was fit to be allowed in the land-service. When the vice-admiral came to the Plantations, he acted in so savage a manner, as if he had been sent rather to terrify than to protect them. When he had drawn the forces together, that were in the Plantations, he went to attack Placentia; but he found it so well defended, that he did not think fit so much as to make any attempt upon it. Thus this expedition ended very ingloriously, and many complaints of Graydon's conduct were sent after him.

A fleet sent into the Mediterranean. Hist. of Europe, Burnet. Burchet.

After Sir George Rooke's fruitless cruize, it was resolved to send a strong fleet into the Mediterranean. This fleet was not ready till the end of June, and the orders were to come out of the Streigths by the end of September. Every thing was so ill laid in this expedition, as if it had been intended that nothing should be done by it, besides the conveying our merchant ships, which did not require the fourth part of such

such a force. Sir Cloudesly Shovel was to command, who, when he saw his instructions, represented to the ministry, that nothing could be expected from this voyage. However, he was ordered to go, and he obeyed his orders. He sailed from St. Helen's, the 1st of July, with a fleet of thirty-five English, and seventeen Dutch men of war. He had under him, the vice-admirals Fairborne * and Lake †, and rear-admiral Bing ‖. The Dutch were commanded by admiral Allemonde, with two other flags. They had a great number of merchant-ships of both nations under their convoy. The fleet appearing off Lisbon Rock, the 24th of July, dispelled the fears of the Portuguese, of being insulted by a French squadron. Sir Cloudesly Shovel sent Sir Stafford Fairborne to Lisbon, with compliments to the king and the queen-dowager of England, by whom he was received with great marks of respect and esteem. After the fleet got through the Streights, on the 12th of August, and water began to be wanted, the admiral having stretched over from Cape de Gat to Cape Hone, in Barbary, sent a boat with a flag of truce, to acquaint the Moors with his design of watering there; but they answered his message with a musket-shot, killed one of the boat's crew, and mortally wounded the lieutenant of the Tartar, who commanded the boat, and died two days after. The want of water daily increasing, it was resolved in a council of war to put into Altea, on the coast of Valentia, in Spain. The Eagle, commanded by the lord Archibald Hamilton, and the Hampton-Court, were sent before: But the governor fired upon them with two guns planted on a tower, which however were soon dismounted by these two men of war. In the mean time, the whole fleet came in sight of the place, on the 31st of August, and the Flamburgh was sent close to the shore to cover the descent of the regiments of marines, who, to the number of two thousand five hundred men, landed under brigadier Seymour without any manner of confusion, and were drawn up in order upon the shore, before half the fleet was come to their anchors. These land-forces formed a camp near the place, and a message was sent to the governor, that they did not come as enemies, but friends; to which he answered, 'That he had a great esteem for the English; 'but, however, he was sorry he was not in a condition to 'oppose their landing: That he would write to the viceroy 'of Valentia, and if his orders were such, the admiral must 'not take it ill, if he should fire upon his men.' At the same time the admirals Shovel and Allemonde caused in their

* Of the red.
† Of the blue.
‖ Of the red.

Anno 1703.

Anne. 1703. names a short manifesto to be published and dispersed among the Spaniards, containing in substance, "That, pursuant to the orders of her majesty of Great Britain and the States General, they did not design to give the least disturbance to the good subjects of Spain, but to protect such of them who, remembering their ancient obligations to the house of Austria, should swear allegiance to their lawful monarch, the archduke Charles, and endeavour to throw off the yoke of France. And, as they would give their assistance to those of the Spanish nation, that should regard their duty and true interest, so they should destroy the persons, houses and goods of such, as should oppose the efforts which should be made for the deliverance of that valiant and glorious nation from the tyranny and oppression of France." This Manifesto had no other effect but that the Spaniards, seeing no injury was offered them, brought plenty of all refreshments and provisions, for which they were paid in ready money. They professed a great hatred to the French, appeared very well disposed to the house of Austria, and drank to the prosperity of the archduke. The fleet being watered, sailed on the 3d of September for Leghorn, where they arrived on the 19th. Ten days before, captain Jumper, with the Lenox, Ipswich, Hampshire, and Dover, sailed off Formontera, with the Turkey fleet under his convoy. As one design of this expedition was to endeavour to give some relief to the Cevennois, who, the last year, had raised an insurrection in France, it will be proper to insert here a brief account of that affair.

Insurrection of the Cevennois. Hist. of Europe. Cavalier's Memoirs.

The Cevennois, or inhabitants of the Cevennes, a mountainous country in the south part of Languedoc in France, were mostly of the reformed religion, before the general persecution in the year 1685, to the violence of which they were obliged to yield; but most of them had since thrown off the yoke of Popery, and returned to their former faith, by means of some zealous ministers; who, notwithstanding the danger, to which they exposed themselves, had constantly preached amongst them. Their numbers, and the advantageous situation of their country, giving the court of France more jealousy than of all the other Protestants in the kingdom, care was taken to curb and oppose them more than any of the rest, and, by continual vexations, to put it out of their power to recover their liberty. Monsieur de Baville, intendant of Languedoc, and count Broglie, commander of the troops in that province, left no means untried to ruin them, by their extortions and military executions. The

rest

teſtants aſſembling often in the woods to perform their reli- Anne. 1703.
gious exerciſes, theſe two perſecutors poſted troops in ſeveral places, with orders to fire upon all ſuch as they ſhould find in thoſe aſſemblies, and to burn the houſes of thoſe whom they could not ſeize. By this means a great part of the Cevennois was entirely ruined, and whole villages laid waſte. The Abbot of Cheilat, ſub-delegate of the intendant Boſville, was likewiſe very ſevere againſt thoſe who attempted to eſcape out of the kingdom for religion, having invented a rack to torment them, which was a beam ſlit in two with vices at each end. Every morning he uſed to ſend for his priſoners, in order to examine them; and, if they refuſed to confeſs what he deſired, he cauſed their legs to be put into the ſlit of the beam, and ſqueezed them till their bones cracked, and tied their toes with ſtrings, and turned them with wheels till they were out of joint. But monſieur Eſprit, one of the preachers among the Proteſtants, having heard of theſe cruelties, marched at the head of about ſixty young men to the abbot's houſe, and demanded the priſoners. Upon his ordering the guard to fire upon them, by which two of them were killed, and others wounded, they forced the guard, broke open the priſon, releaſed the priſoners, and, having wounded the abbot in the thigh, as he was making his eſcape out at a window, allowed him a quarter of an hour to prepare for death, then ſhot him dead, and ſet fire to his houſe. This done, they formed a deſign of greater importance, and going through the towns and villages, brandiſhing their ſwords, cried out, Liberty, Liberty; and, in a little time, drew a great many other young men after them, and formed a body of three or four hundred. The intendant being informed of what had happened to the abbot of Cheilat, immediately ſent orders for the ſeizing the rioters; but the troops that were commanded upon that ſervice meeting with oppoſition, the intendant thought this a favourable opportunity to enrich himſelf, by converting to his own uſe the pay of the troops, and quartering them at diſcretion upon the villages where the murder had been committed; and, to carry on this ſcheme for his own profit the longer, he neglected to acquaint the French court with this inſurrection. The malecontents, having by this means gained time to ſtrengthen themſelves, increaſed to the number of two thouſand, who divided themſelves into four bodies, and became ſo formidable, that they began to make excurſions into the plain, burnt churches, and put to the ſword the Popiſh prieſts, and their former perſecutors, leaving the reſt unmoleſted.

Upon

Anne. 1703. Upon this the court of France dispatched monsieur Julian, infamous for his apostacy from the Protestant religion, with eight regiments to reduce the malecontents; but, their forces not being able to stem a torrent which daily increased, marshal de Montrevel was sent into Languedoc with an army of ten or twelve thousand men, and directions to use all the methods he should think most effectual to quell the insurrection. This marshal had not been long in Languedoc, before he published a declaration, whereby he committed all priests, ecclesiastics, and churches, to the care of the new converts and communities; and declared, that, if any accident should befall them, the communities should be answerable for them, and that they should be burnt and intirely destroyed. This impolitic declaration, together with several shocking cruelties exercised by that commander, exasperated the malecontents, and increased their numbers, so that the French king's troops, after having been several times defeated, were obliged to keep within the walled towns. The repeated informations of the progress of the Cevennois, made the sovereigns in alliance against France attentive to that insurrection; and the general concern which the English nation expressed for a people, who fought for the Protestant cause, together with the sollicitations of the marquis de Miremont, and other eminent French refugees in their favour (d), moved the queen, and prince George, to propose the

(d) Colonel Cavallier, in his 'Memoirs of the wars of the Cevennes,' p. 172, tells us, that the marquis wrote them a letter, wherein he observed, "That the queen being informed of their deplorable condition, was resolved to send them some succours, and that he would come himself to help them; desiring them in the mean time to behave themselves with prudence till his arrival." Upon this they sent him an account of the state of their affairs, and in a short time after, they received a second letter, which confirmed what he had written before; and afterwards sent them an express, called Flotar, to know what measure he could take to come and succour them. Having conferred together, they sent back the express with all the necessary instructions, who arrived safe in England, and gave the queen an exact account of his journey; and they were assured by a third letter of speedy relief, which proved very prejudicial to them afterward; for it was then they were beginning to get ground, and their remissness gave their enemy time to take measures to stop their progress: "I do not pretend (says colonel Cavalier) to blame the marquis [illegible] for I believe their con- [illegible] [illegible]tion,

the relieving of them in council. The earl of Nottingham repreſented the dangerous conſequence of aſſiſting rebels againſt their natural prince; but the reſult of ſeveral conſultations was, that ſince all ways to relieve the Cevennois Anne. 1703.

The court of England reſolves to aſſiſt them.

"his fault, he being much inclined to come and ſuccour us; but, being unexperienced in ſuch affairs, and under a neceſſity of taking advice, it was very difficult for him to know what to reſolve upon. He had perſons about him, who acted with more regard to their own intereſt than the public good. They talked of nothing in the court of France but the great preparations England was making for our aſſiſtance; as if I ſhould deſire a man to take care of himſelf, that I had a mind to kill, and in the mean time bid him not be afraid; that I would do him no hurt. For all the projects of monſieur Miremont were as well known in the court of France as in England; and all this by means of the perſons, whom the marquis had choſen for his adviſers. This generally happens to princes, who communicate their ſecrets to ſeveral perſons. For the court of France, being well informed of every thing, took ſuch effectual meaſures, that it was impoſſible for us afterwards to have any correſpondence with foreign countries, ſo that all hopes of the fair promiſes the marquis had made us from the queen, vaniſhed after a delay of eighteen months. I believe it was not his fault, as I ſaid before; for had he been able to ſtir with ten thouſand men to the place we were in, I am ſure he would have no quarter to his relation's troop. The truth is, I believe France had then emiſſaries in England, as it uſually has, which put a ſtop to the project of monſieur Miremont, and prevented the queen and her allies from making uſe of ſo favourable an occaſion to ruin France, which might have been effected in leſs than two years; for, being maſters of the ſea, they might eaſily have ſent us ſuccours, at leaſt ſome arms and money. For had they ſent us but twenty thouſand pounds ſterling, we would ſoon have made up a body of fifty thouſand men. But, as I ſaid before, they looked on this war as a ſudden blaze, which ſoon vaniſhes away, and therefore neglected to ſend us any relief. It is wonderful how we could reſiſt for ſo long a time twenty thouſand men, and two marſhals of France. If the reader will ſeriouſly conſider the advantage the allies had by our war, he will ſoon be perſuaded, that, if the twenty thouſand men, who were ſent directly againſt us, had been employed, either in Italy, Germany, or Spain, they would have put a ſtop to the progreſs of the allies, eſpecially againſt his royal highneſs the duke of Savoy, or in Spain againſt the Portugueſe."

L were

Anne. 1703. were shut up by land, the fleet, the [illegible] to go into the Mediterranean, under the command of Admiral Shovel, should endeavour to carry them a supply of arms, ammunition, and money. Which resolution was no sooner known, than universally applauded. And indeed, though it be neither lawful nor safe for princes to encourage insurrections in one another's dominions; yet this maxim cannot take place in time of war, when any way, by which the enemy can be annoyed, is allowable; nor, in particular, with regard to the French king, who at this very juncture, had armed part of the empire against the empire itself, and countenanced a design of an insurrection in Scotland, and other ill practices in England; which, in the month of May, were discovered, by the seizing in Kent of two or three persons coming from France, and having about them several letters directed to Papists and disaffected persons.

The better to succeed in the enterprize of relieving the Cevennois, who were also called Camisars, several French refugees were sent by land into France, to acquaint them, both with the queen's good intentions, and with the signals, which the English ships would make, that they might answer them by other signals, and concur in the endeavours that should be used towards their relief. The only person, who had the good fortune, either to penetrate into, or return from the Cevennes, was Mr. David Flatan, who was sent by the marquis de Miremont. The others were taken at the passage of Pont St. Esprit, and others broke alive upon the wheel, or made gally slaves. Besides the persons sent by land to the Cevennois, there were three other French refugees, Mr. Portales, captain la Billiere, and Mr. Tempie, commissioned to go on board the English fleet, to assist in this undertaking, and be witnesses of all that passed. The first of these gentlemen, being sent for to a council of war of all the English and Dutch flag-officers, held on board the Triumph, on the 29th of August, when the fleet was at Altea, wherein, among other things, it was debated how to put that enterprize in execution, Sir Cloudesly Shovel told him, "That, the season being so far advanced, and the gulphs of Narbonne and Lyons so dangerous, they did not think it prudence to hazard her majesty's fleet in a coast [illegible], and which had ever been so dreadful to the English seamen, that, in order to avoid it, they often chose to go an hundred leagues out of their way. That he was very sorry he could not perform himself in great a service to the Cevennois; but that, pursuant to the result of their con-

"sultation,

.....tion, he would order two men of war to go upon that attempt, with a good quantity of arms, ammunition, and money, and that if they had the good fortune to speak with their friends, and to deliver them those things, it would be easy for them to concert measures with the Cevennois for their farther ſupply and relief." Accordingly, the day Shovel ſailed from Alten, he diſpatched the Pembroke, captain Harris, and the Tartar, captain Cooper, to enter the gulph of Narbonne, having the three refugee gentlemen on board, and two French pilots beſides. The next day they took a French tartane, by the maſter of which they underſtood, that marſhal de Montrevel, having intelligence of their deſign, had already taken the neceſſary meaſures to diſappoint it. The Pembroke and Tartar entered the gulph of Narbonne, and, being come between Port Cettee and Pequai, they made the ſignals, as directed from court under the earl of Nottingham's own hand; but, not being anſwered from the ſhore, they did not think it ſafe to continue in that dangerous ſea any longer, and ſo made the beſt of their way to the general rendezvous at Leghorn-road, where they arrived, the 23d of September, four days after the fleet (e).

Anno 1703.

Sept. 3.

Sept. 17.

Count Lamberg, the imperial ambaſſador at Rome, came on board the admiral in the road of Leghorn, on the 28th of September, and acquainted him with the archduke of Auſtria's having been declared and proclaimed king of Spain at Vienna, by the name of Charles III. on the 12th of that month, N. S. Upon this, every ſhip in the Engliſh ſquadron fired fifteen

The archduke proclaimed king of Spain.

(e) The next morning after Sir Cloudeſly's arrival, the town ſaluted him with five guns, of which he took no notice, as not being a ſufficient ſalute for a royal fleet, and refuſed to accept the ordinary preſent, that was ſent him by the governor. The latter having ſent to know the reaſon of it, Sir Cloudeſly made him ſenſible of his miſtake, and at the ſame time ſent a meſſage to the grand duke of Tuſcany, inſiſting upon a royal ſalute, as having the union flag, the moſt conſiderable in England. After ſome diſputes, his royal highneſs was obliged to order, that the town ſhould ſalute with eleven guns, which was accordingly performed, and which Sir Cloudeſly anſwered, and was afterwards complimented by ſeveral perſons of diſtinction, and received the extraordinary preſents, which had been prepared for the count de Thouloufe, admiral of France, who was expected there before the Engliſh fleet, but who never durſt come out of the harbour of Toulon, as long as the latter remained in the Mediterranean.

guns,

Anne. 1704. guns, and his Catholic majesty's health was drank. Count Lamberg having sent a gentleman, with one of Sir Cloudesly Shovel's secretaries, to notify the archduke's accession to the Spanish throne to the Dutch admiral Allemonde, he was somewhat surprised, that the imperial minister should not pay him a visit on that account, as he had done the English admiral. However, he ordered all his ships to fire all fifteen guns some hours after, and then count Lamberg went to see him on board.

The arrival of the fleet at Leghorn seemed to be of great consequence, and the allies began to take courage; but they were soon disappointed of their hopes, when they understood, that, by Sir Cloudesly's orders, he could only stay a few days there. Nor was it easy to imagine, what the design of so great an expedition could be, or why so much money was thrown away on such a project, which made us despised by our enemies, while it provoked our friends, who might justly think they could not depend upon such an ally, who managed so great a force with so wretched a conduct, as neither to hurt their enemies, nor protect their friends by it. The fleet, pursuant to orders, sailed from Leghorn, the 2d of October. On the 6th, the Pembroke, Exeter, Tartar, Flamborough, and one fireship, were detached to go to Tunis and Tripoli, to renew the peace with those governments, and thence to proceed to Scandaroon to join captain Jumper. On the 18th, rear-admiral Byng was sent with another squadron to Algiers, to renew the peace with that regency; and, on the 12th, the fleet met with a dreadful storm, but did not suffer much damage, by reason it did not last long. Ten days after, Sir Cloudesly, with the remainder of the fleet, came into Altea bay, where several Spaniards openly declared for Charles III. king of Spain, and offered themselves to serve on board the fleet, which was accepted. Having, on the 27th, passed the Streights-mouth, the admiral ordered Sir Thomas Hardy, with the Bedford, Somerset, and Lizard, to Tangier; and, on the 30th, the Dutch parted from the English, making the best of their way home. The same day Sir Cloudesly sent five ships under the command of Sir Andrew Lake to Lisbon, and thence to Oporto, Viana, &c. to take under his convoy those merchant-ships, which were bound for England; and, having a fair wind, and good weather in his passage, arrived in the Downs on the 27th of November. The Oxford, Warspight, and Litchfield, which parted from him six days before, met soon after with a French man of war of fifty-two guns and five hundred men, coming from Newfoundland, whom

Burnet.

whom they engaged and took, after an obſtinate fight of nine hours.

Anne 1703.

Theſe fruitleſs as well as expenſive ſea-expeditions were not the only ſubjects of complaint with regard to the fleet. There were many other great complaints, particularly with reſpect to the victualling; many ſeamen were loſt, who, as was ſaid, were poiſoned by ill food; and, though the victuallers were moſt complained of before the fleet went out, yet there was not ſuch care taken to look into it, as a matter of that conſequence deſerved: The merchants did alſo complain, that they were ill ſerved with convoys, and ſo little care had been taken of the Newcaſtle fleet, that the price of coals roſe very high: It was alſo ſaid, that there was not a due care had of our ſeamen, that were taken by the privateers; many of them died by reaſon of their ill uſage, while others, to deliver themſelves from that, went into the French ſervice. Thus all our marine affairs were much out of order, and theſe diſorders were charged on thoſe, who had the conduct of them; every thing was unproſperous, and that will always be laid heavily on thoſe, who are in the management of affairs: It is certain, that, in the beginning of this reign, all thoſe, who hated the late king and his government, or had been diſmiſſed the ſervice by him, were ſought out, and invited into employments; ſo it was not to be expected, that they could be faithful or cordial in the war againſt France. It is time now to turn to the operations at land.

Complaints about the fleet. Burnet.

When the ſeſſion of parliament was at an end, the court was wholly taken up with the preparations for the campaign. Juſt as the duke of Marlborough was going abroad, he had a great domeſtic affliction, the loſs of his only ſon, the marquis of Blandford, a graceful perſon, and a very promiſing youth. He died, February 20, 1702-3, at Cambridge, of the ſmall-pox. This, as may be imagined, touched his father very deeply, and delayed his paſſing the ſeas ſome days longer than he had intended. Upon his arrival on the other ſide, the Dutch brought their armies into the field, and it was reſolved to begin the campaign with the ſiege of Bonne. In the mean time, all mens eyes were turned towards Bavaria. The court of Vienna had given it out all the winter, that they would bring ſuch a force upon the elector, as would quickly put an end to that war, and ſeize his whole country. But the ſlowneſs of that court appeared on this, as it had done on all other occaſions; for, though they brought two armies into the field, they were not able to deal with the bavarian forces. On the contrary, the French having promiſed

Preparations for the campaign. Burnet. Broderick. Hiſt. of Eur. Conduct of the ducheſs of Marlb. Lamberti.

mised the elector of Bavaria, in whom they reposed [illegible] confidence, such powerful [illegible], as would effectually break all the measures of the imperial [illegible] Villars, who lay with an army of thirty thousand men [illegible] Strasburgh, had orders to join the elector. He called the Rhine, and invested fort Kehl, over-against Strasburgh (f), which was defended by a numerous garrison, but not well provided with ammunition [illegible] provisions [illegible] when, on the 9th of March, the French were preparing for a general storm, the sieur Ensberg, the governor, desired to capitulate, and the place was surrendered upon honourable terms. In pursuance of the articles, the garrison, consisting of two thousand four hundred men, were conducted to Philipsburgh.

Fort Kehl taken by the French.

Stirum defeats the Bavarians,

These proceedings alarming the councils of war at Vienna, count Schlick was ordered to enter Bavaria on the side of Saltzsburgh with one army, and count Stirum, on the side of Newmark, with another. Stirum, having defeated a party of the Bavarians, marched on to Newmark (g), where the Bavarian governor, with a garrison of fourteen hundred men, made a shew of sustaining a siege; but, the citizens seeing count Stirum's batteries ready to play upon them, they mutinied against the governor, and obliged him to surrender. Upon this, the city of Amberg (h) sent their deputies to count Stirum, offering whatever he could reasonably exact from them, provided he would forbear attacking their city. But the general refused to accept the regency's offer; and as soon as he had ordered the town to be summoned in the emperor's name, he caused the place to be invested, which surrendered after a very short resistance.

takes Newmark,

and Amberg.

(f) Kehl is an important fort in Germany, upon the east-side of the Rhine, over-against Strasburgh. It was surrendered by the French to the imperialists, by virtue of the treaty of Ryswick in 1697, and retook by the French this present campaign.

(g) Newmark is a city of Germany, in the circle of Bavaria, and territory of Nortgow. It stands on the river Saltz, near the confines of Franconia, subject to the elector of Bavaria, but taken by the imperialists this present campaign. It stands on the river Wils, thirty-two miles east of Autenburg, and twenty-eight north of Ratisbon.

(h) Amberg is a fine city of Germany, in the circle and Upper Palatinate of Bavaria (or Nortgow), subject to the elector of Bavaria, but taken by the imperialists this campaign. It stands on the river Wils, thirty-two miles east of Autenburg, and twenty-eight north of Ratisbon.

Of

Anno 1703.

On the other hand, count Schlick, having drawn together an army of twenty thouſand men in the Upper Auſtria, broke into the Bavarian lines by way of Saltzburgh, defeated the militia that guarded them, and made himſelf maſter of Reidt, and ſeveral other ſmall places. To put a ſtop to theſe proceedings, the elector of Bavaria aſſembled his army near Brenau, and (to deceive count Schlick) reported, that he was going to beſiege Paſſau. General Schlick, conſidering the importance of that place, advanced with the greateſt part of his infantry to cover it, leaving his cavalry and all his artillery behind him. The elector, being informed of theſe motions, paſſed over Scarding Bridge with twelve thouſand men, and advanced towards the village Iſenbern, where the regiments of Schlick and Hanover were poſted. He attacked them, and drove them to their main body, where they ranged themſelves together in order of battle, reſolving to receive the elector, who, taking the advantage of his ſuperiority, renewed the charge, and, after a bloody engagement, forced them to quit the field of battle, and purſued them as far as the country would permit. Immediately after this, the elector being informed, that the head quarters of the Saxon troops, with the artillery, were not above two leagues further, he directly marched towards them, and attacked them ſo vigorouſly, that they quitted their cannon, and at length were intirely defeated. In this action, the imperialiſts loſt ſeventeen or eighteen ſtandards, four pieces of heavy cannon, four mortars, and all their ammunition and baggage. The Battle of Scardigen.

The imperialiſts defeated.

Bavarians, in a few days after, took Newburg on the Inn, by capitulation, and the garriſon was conducted to Paſſau.

Notwithſtanding theſe diſadvantages, general Schlick was reſolved to penetrate into Bavaria; and, having overcome ſome of the enemies troops, that guarded the woods and paſſes near Paſſau, he made himſelf maſter of Wiltzhoven, and poſſeſſed himſelf of the country adjacent. Count Stirum was alſo in motion, and took Vryſtadt, Newſtaſſel, and ſeveral other ſmall places in the Upper Palatinate. The elector obſerving the progreſs of that general, marched with a deſign to make himſelf maſter of Ratiſbon. Upon that, the count incamped between Newmark and Amberg, reſolving to give the elector battle the firſt opportunity. In order to this, he ſent the young prince of Brandenburgh Anſpach with eight thouſand horſe, to open the paſs of Wiltz, which was guarded by the Bavarians. He very courageouſly effected the deſign, and poſſeſſed them of a very important poſt; but, being willing to purſue them, he was attacked by the elector in perſon

Anno 1703.

Prince of Brandenburgh Anspach slain.

person near Burghenfeldt, with a body of four thousand men; where, after making a glorious resistance [illegible] hours, he was at last unfortunately wounded by a musket-shot, [illegible] he died the next day, much lamented for his great bravery, and other extraordinary qualifications. The imperialists hereupon thought fit to retreat, which was performed in very good order.

The elector of Bavaria comes before Ratisbon,

Though the elector of Bavaria gave the most solemn assurances, that he would not molest the city and [illegible] of Ratisbon (a), yet, contrary to all expectations, on the 6th of April, having taken up his quarters in the [illegible] of Weiks, very near that city, and posted his army on both sides the river Danau, he gave notice by his ministers to the director of Mentz, that he would have the bridge over the Danube, and the gate, which leads to it, delivered up to him, provided count Stirum's declaration, that he would conform himself to the conclusion of the dyet, in not attempting to pass through the town, did not arrive in twenty-four hours. The next morning the dyet assembled, but, not immediately complying with his demands, he posted his army near St. Emeran's gate, where he began to raise a battery. The burghers took up arms, planted their cannon upon the ramparts, and put themselves in a posture of defence. But, the Bavarians advancing as far as the moat of the town, in order to bombard the place, the cardinal and the other ministers, thinking it not prudent to stay till the utmost extremity, desired, that they might treat with the elector about the bridge the next morning; and, at the same time, the burghers were expressly [illegible] fire a gun upon the Bavarians, so that all things were quiet that night. At the time appointed, the magistracy [illegible] of their own number to wait on the elector, but were informed, that he not only demanded possession of the bridge, but that two battalions of his men should be admitted into the city, and that he allowed them but three hours to consider

(a) Ratisbon is a very large, rich, and strong city of Germany, in the circle and dukedom of Bavaria. A bishopric under the archbishop of Salzburgh. It is free and imperial, famous for the general dyets of the empire; although it was seized by the elector of Bavaria this campaign, he lost it (as well as his own dominions) in 1704, soon after the action of Schellenberg near Donawert. It has a very fair stone bridge over the Danube, one thousand [illegible] ninety one feet long, and thirty-two feet broad, supported by pillars, and adorned with three towers. Here is also a magnificent old cathedral, and [illegible] castle, where the [illegible] are commonly held.

This caused an extraordinary debate; but they, imagining that the city was not in a condition to make a long defence, and that they could not obtain any seasonable relief, at last agreed, that the bridge and gate should be delivered up to the Bavarians; which was done, on the 8th of April, at night. In return, the elector signed an instrument, whereby he obliged himself effectually to withdraw his battalions, as soon as the emperor's ratification of the conclusion of the dyet for the neutrality of the city, and his general's declaration in that matter, should arrive; and, in the mean time, to leave all things in the same condition as he found them; and that the public ministers, with their families, should enjoy all possible freedom and security. Having thus secured that post, he decamped with his army, and marched to oppose general Schlick, who, being informed thereof, quitted Wilstroven, and retired to the woods, expecting a reinforcement of three thousand Hungarians, who were arrived in the Upper Austria. and takes possession of it.

The empire being thus in a declining condition, the French king sent positive orders to the marshal de Villars to break through the prince Lewis of Baden's lines at Stolhoffen, and join the elector of Bavaria at all events; and count Tallard was likewise commanded to reinforce him with his flying camp. Prince Lewis (the best part of whose army had been called away to the war in Bavaria) foreseeing the danger he was in, wrote a letter to the States-general, wherein he informed them, that he had neither men nor cannon sufficient to withstand so numerous an army, or to oppose so large an artillery as Villars and Tallard were bringing against him. The States, upon this intelligence, immediately sent him a reinforcement of eight regiments, under the command of major-general Goor; who, marching with all possible expedition, reached the lines at the same time that Villars appeared before them. Villars attacks the Imperial lines, and is repulsed.

The French attacked the prince with an army more than double his number; but his men, chiefly the Dutch battalians, received them with so much courage, that the French were obliged to retreat with great loss, and bent their march towards Offingen.

Villars, notwithstanding this unsuccessful attempt, upon repeated orders resolved not to abandon the elector, who, after all his advantages, was like to be overpowered with numbers, if not timely relieved. The Black Forest was thought impracticable in that wet season. This was too much trusted to, the passes were ill guarded; and therefore Villars

Anne. 1703.

overcame all difficulties, and at last joined the elector near Dutling. Upon this junction count Stirum [illegible], in order to march to prince Lewis of Baden, [illegible] attacked near Schwemmingen, he retired under the cannon of Norlingen.

Bonne taken.

Whilst the French succeeded thus in Germany, the affairs of the confederates upon the Lower Rhine, and in Flanders, were in a more prosperous situation. Rhinbergh, which had been blocked up by count Lettum, general of the Prussian forces, surrendered. After this, count Lettum blocked up Gueldres; and the duke of Marlborough came [illegible] (b) to be invested by the Prussian and Lunenburg cavalry, under lieutenant-general Bouleau. The next day, general Fagel arrived with the foot; after him, the duke of Marlborough and baron Opdam; and the day following lieutenant-general Coehorn. The generals, having held a council of war, ordered the town to be attacked in three places; one was against the fort on the other side of the Rhine, and the other two against the city and the outworks that secured it. The first of these attacks was commanded by general Coehorn; the second by the hereditary prince of Hesse-Cassel; and the third by lieutenant-general Fagel. Twelve regiments were ordered to each of these attacks, who took their posts accordingly. On the 3d of May, the trenches were opened in all the three attacks, and the besiegers continued their approaches with extraordinary diligence, and inconsiderable loss. On the 8th, the batteries being ready, the cannon and mortars played vigorously against the town and fort; and the [illegible] day the chain, which held the flying bridge (by means of which the fort communicated with the town) was broke by a cannon shot, and the bridge carried away, [illegible] the enemy used their utmost endeavours to save it, with the loss of several men killed and wounded. But, in the evening, a very unhappy accident happened in major-general Dedem's attack, where an hundred and fifty bombs, and as many

April 24.

(b) Bonne is an ancient and very strong city of Germany, in the circle of the Lower Rhine, and archbishopric of Cologn, anciently imperial, and now subject to this prince, and his usual seat: Taken from the French in the year 1689; but, in the beginning of the present war, it stood by its elector for the French interest; and [illegible] reduced by the confederate [illegible] this campaign, [illegible] the [illegible] mand of the duke of Marlborough. It stands on the river Rhine, fourteen miles [illegible] south of Cologn, twenty-four south-east of Juliers, fifty-five almost north-east of [illegible] and sixty north-west of [illegible]

grenadoes

Anne. 1703.

grenadiers took fire and were destroyed, together with a lieutenant and [illegible] workmen. However, the batteries at that attack, as well as those at the other two, began to play, on the 9th in the morning; and, the besiegers having intelligence that the garrison of that fort was not numerous, and the battery, which played upon it, making a very wide breach, they resolved to storm it in the evening, which was executed by four hundred grenadiers, supported by four battalions. During this attack, the enemy set fire to all the barracks and other buildings, that they might retire into the city by favour of the smoke; but most of them were so closely pursued to the ravelin, that they had not time to effect their design. Some, who were taken prisoners upon this occasion, reported, that fifty men remained in a redoubt within the fort; whereupon the besiegers immediately scaled the ramparts, and took that redoubt sword in hand, after a short resistance; most of those, who defended it, being killed on the spot, and several made prisoners, as they were endeavouring to escape in a boat. The commander of the fort and three other officers were also taken prisoners, while on our side there were but three soldiers killed and five wounded.

The confederates having thus made themselves masters of the fort, they soon after caused a new battery to be erected against the town, of seventy pieces of heavy cannon and eighteen mortars, which began to play on the 12th, in order to make two breaches, with a design to assault the place. On the 13th about noon, the besieged, with about a thousand foot, supported by all their horse and dragoons, made a sally upon general Tidem's attack, who at first were put into disorder; but, after some resistance, the enemy were repulsed with the loss of about an hundred men killed, and as many wounded, besides a major and three captains taken prisoners; whereas the loss on the side of the confederates did not amount to above half that number. All things being now ready for assaulting the first counterscarp on the prince of Hesse's side, in order to make a lodgment, the attack was begun the same evening; and the prince, being there in person, animated the soldiers with so much courage and resolution, that, in less than an hour's time, they drove the enemy from their works, and made their lodgment. In this action major-general Tettau, who commanded, was wounded, with seven or eight inferior officers, and one hundred and fifty soldiers killed and wounded, together with the engineer commanded in the works. The next day, May the 14th, the besiegers made such a terrible fire from their artil-

Anne. 1703. ſery, that, at three in the afternoon, the marquis [illegible] the governor, cauſed a parley to be beat, [illegible] ges were exchanged. The next day, the [illegible] rough having agreed to the capitulation, [illegible] particularly two exchanged on the 16th, and three days [illegible] de Ville, gover- marched out, and were conducted to Luxemburg [illegible] had alſo a

Whilſt the greateſt part of the confedera[illegible] by one piſtole in ployed at Bonne, the French king, reck[illegible] general Cochorn would make a longer reſiſtance, ſent orders to [illegible] which were, Boufflers and Villeroy to undertake the ſiege of [illegible] point of caſtle of Liege. But the marquis d'Alegre having [illegible] thoſe generals, that he could not defend [illegible] days longer, they made a motion towards Maeſtricht, pretending to ſurprize the confederate troops, that were aſſembled there, and to bombard the town. So that, on the 5th of May, they advanced on a ſudden into the neighbourhood of Tongeren with an army of forty thouſand men. The confederates, who were marching with a deſign to have poſted themſelves in that place, were, upon this motion, obliged to retreat with ſpeed under the cannon of Maeſtricht. In the mean time, the enemy fell upon Tongeren (c), where the battalions of Elliot and Portmore were quartered; who, having made a reſiſtance of twenty-eight hours with extraordinary bravery, were forced at laſt to ſurrender at diſcretion. After this, the enemy advanced forwards, with a deſign to have forced the confederate cavalry to repaſs the Maeſe at Nimeguen, and the foot to retire under the outworks of Maeſtricht, and there to have played upon them with their bombs; but contrary to their expectations, they found the confederate army drawn up in order of battle, under the command of monſieur Overkirk, advantageouſly poſted, and ready to receive them, though they were much ſuperior in number. The two marſhals being fruſtrated in their deſigns, and having made ſeveral motions to no purpoſe, they thought it not proper to attack the confederates, and ſo marched back the

Tongeren taken by the French,

(c) Tongeren is a town of the Low Countries, in the biſhopric of Liege, and county of Lortz, ſubject to this prince, and poſſeſſed by the confederates in 1702. The French (after a ſharp engagement) took it this campaign; but ſoon after abandoned it. It was here that the duke of Marlborough joined the army of the States, May 13, 1706, being juſt ten days before the glorious victory of Ramillies, to which the confederates owe the reduction of the Netherlands. It ſtands on the river Jecker, [illegible] miles almoſt weſt of Maeſtricht, and thirteen north weſt of [illegible] [illegible] ſame

[illegible] they came to Tongeren, leaving to monsieur [illegible] honour of that day. Anne. 1703.

[illegible] the [illegible]ler of Bonne, the duke of Marlbo- [illegible] the confederate army in the Netherlands, [illegible]dred and thirty squadrons, and fifty-nine [illegible] forwards towards Liege, with a design, [illegible] that place, but to force the enemy to de- [illegible]geren, where they seemed to be very advan- [illegible]ed. This gave a new face to the affairs of the [illegible]my, and altered the plan of their designs; for the [illegible]hen a powerful army, being reinforced with the troops, [illegible]d formed the siege of Bonne, made several motions, [illegible] to oblige Villeroy to a battle, who constantly declined it. So that, on the 25th of May, the duke of Marlborough having passed the river Jecker, advanced to Hautin, where the enemy intended to have foraged that morning; but, upon notice of the confederates approach, they marched with great precipitation to Boekwern, not thinking fit to stand the hazard of a battle. They likewise abandoned Tongeren, after they had blown up the walls and the tower. The duke pursued them with all possible diligence, and advanced within half a league of their camp; and although the Jecker parted the two armies, and the enemy had secured all the bridges and passes of the river, yet they imagined themselves not secure enough, but retreated to Hannuye, so that the allies marched to Thys, and there incamped. The French drew up in order of Battle, and sent away their baggage, as if they intended to have come to an engagement; but their courage failed them, and they immediately retired before the confederates.

who abandon it at the approach of the duke of Marlborough.

The duke of Marlborough, finding it impossible to bring the French to a battle, took a resolution to force them in their intrenchments; in order to which baron Spaar was appointed to command some troops, that were to act near Steken; and general Coehorn, with another detachment, passed over the Scheld, to make an attack near Liefkenshock; and general Obdam, with the rest of the army, staid on this side the Scheld, to make an attempt on the lines before Antwerp. The French had at that time two flying camps; one commanded by the marquis of Bedmar, and another about Bruges by count de la Motte. Baron Spaar, on the 27th of June, in the morning, perceiving, that the count observed him diligently, to deceive him, feigned a march towards Bruges; but, returning, advanced directly to the lines, and attacked them in the country of Waes near Steken; where,

The allies force the French lines.

after a very bloody and obſtin
ſword in hand. Upon this occa
baron Spaar's detachment were
whom were ſeveral officers of
brigadier-generals wounded, a
nor of Sas-Van-Ghent, kille
ſlight wound, and his purſe,
it, ſaved his thigh. About the
attacked the enemies lines at th
after a ſhort reſiſtance, forced
St. Anthony was alſo attacked,
reſolved to defend; but at laſt

The battle of Eckeren.

The forcing of the French l
the Hague, and in the confe
that Antwerp would ſoon fall
28th of June, at two in the m
by general Obdam broke up,
(d), which was intended for
ſign to ſhew themſelves that d
to alarm the enemy on that ſid
ing any detachment over the b
But their expectations ſoon v
count from general Obdam
quainted the States-general,
the body of the forces under his command, and, having marched from Lillo to Eckeren, had put them to a total rout; and that himſelf had made his eſcape to Breda with only thirty horſe, and could give no further account of their army. This threw the States into a very great conſternation; they met immediately, and, after they had ſate in conſultation till one in the morning, diſpatched away monſieur Gelderman ſen, with two deputies more, with money and inſtructions, to prevent, as much as might be, the ill conſequences of this ſuppoſed diſaſter. But theſe commiſſioners, in their way towards the frontiers, met with a
monſieur Hop, treaſurer-general
in that army, with a letter
and, finding in it a quite co

(d) Eckeren is a village
the Netherlands, in Spani
Brabant, in the county of Ryen
at which there was a ſharp an
bloody battle between th
French and the confederat
troops under general Obdam i

retired to the Hague. It ſeems, after Obdam's flight, the Dutch alſo [illegible] and maintained their ground with ſuch firmneſs, that the French retired little to their honour; for, though they were much ſuperior in number, yet they let the Dutch recover out of their firſt ſurprize, and keep their ground, though forſaken by their general. Anne. 1703.

Hop's account was, the next day, confirmed by another letter from count Slangenburg to the States-general; both which agreed, in the main, with a relation printed by the French themſelves at Namur. But though it is certain, that the loſs was pretty equal on both ſides, and amounted to about three thouſand men killed and wounded on each; yet the French king was by his flatterers perſuaded, that his troops had gained the victory; upon which he cauſed Te Deum to be ſung in the cathedral church of Paris. The pretence, which the French had for their triumph, was the flight of general Obdam; to excuſe which, he wrote a letter to the States from Lille, wherein he acknowledged, "That "he made too haſty a judgment upon the imminent danger "the whole army was in; and that the enemy, preſſing on "with an irreſiſtible ſuperiority, within piſtol-ſhot of the "place where he was preſent, and where no ſuccour could "come up to inable him to keep his ground, induced him to "retire; adding, that he would have reaſſumed the com- "mand of the army, and that the generals and other officers "made no ſcruple to obey his orders; but that, finding him- "ſelf leſſened in the general eſteem, and looked upon as un- "worthy to command the forces of the States, he had begged "leave of their deputies to go to the Hague for a few days, "in order to clear himſelf before their high mightineſſes, "from the imputations he lay under." Accordingly, general Obdam arrived at the Hague; and ſhortly after, by a July 11. command of the States-general, he delivered to them in writing his apology for himſelf, which was much to the ſame purpoſe with his letter, and turned upon this diſtinction, "That he did not what he would have done, but the beſt he "could do." On the 12th of Auguſt, ſeveral officers of that army, which was now commanded by Slangenburg, wrote a letter to Obdam, importing, "That underſtanding "there was a report in Holland, that ſince the accident, "that befel him of being intercepted from the army at the "battle of Eckeren, they had ſcrupled to ſerve under his "orders, which was far from their thoughts; they therefore "took a reſolution to aſſure him, that they ſhould be ex- "tremely glad to ſee him at the head of the army again."

On

Anne. 1703.

On the other hand, marſhal Boufflers's conduct in this action, was likewiſe ſo much cenſured, that [illegible] this finiſhed his diſgrace, for he was [illegible] of the French armies. Nor was the duke of Marlborough without ſome ſhare of cenſure on this occaſion; for it was pretended, that he ought to have ſent a force to ſupport Obdam, or have made an attempt upon Villeroy's army, when it was weakened by the detachment ſent with Boufflers. But whoever was in the fault, the States thought proper to cover the diſgrace with rewards and thanks to the officers and ſoldiers, as well as to general Slangenburg, but, by reaſon of a miſunderſtanding, that aroſe on the occaſion between the duke of Marlborough and that general, Slangenburg was diſmiſſed, ſome time after, from his attendance on the camp.

The allies, being willing to repair the loſſes and damages they ſuſtained in the action at Eckeren, joined all their forces together, with a deſign to come to an engagement with Villeroy, who, encamping near St. [illegible], gave out, that he reſolved to ſtay there for the duke of Marlborough. The duke and general Overkirk, in expectation of this, marched with the army under their command to Hoogſtraat, about half a league from the enemy's camp, who, to all appearance, made great preparation for a vigorous action. Slangenburg, decamping from Lillo, marched all night, and arrived early in the morning between Eckeren and Capelle, to attack them on that ſide; and the duke of Marlborough, with his army, advanced in a great plain over-againſt the enemy, and cauſed four pieces of cannon to be diſcharged for a ſignal to Slangenburg to begin the attack. But, as he advanced, marſhal Villeroy declined the engagement, and, having ſet fire to his camp, ordered his army to retire within their lines. The duke, thus finding it impoſſible to bring the French to an engagement, marched with a conſiderable guard to view the enemy's lines; in which motion a detachment of the Engliſh royal regiment of dragoons happened to fall in with one of the enemy's out-guards of forty horſe, who, after one diſcharge, retired, and were chaced by the Engliſh to the very barrier of their intrenchments; which afforded a very favourable opportunity to the confederate-generals to have a perfect view of the enemy's lines. From that day the duke of Marlborough laid a ſcheme to force the French lines; [illegible] accordingly, after having inveſted Huy (e), [illegible]

The confederates view the French lines. July 27. N. S.

(e) Huy is a conſiderable [illegible] town in the Low Countries. It was [illegible]

Anne. 1703.

council of war, where the question in debate was, What would be proper to be done, after Huy should be in their possession? The siege of Limburg being proposed, the duke of Marlborough, and some other generals, were of opinion, that attacking the enemy's lines between the Mehaigne and the Leuwe might be an enterprize, that would contribute much more to the glory and advantage of the confederate arms. But this proposal, though supported by very strong reasons, was opposed by the deputies of the States and the Dutch generals, who would not consent to hazard their troops in an action, which, they said, was at best very dubious, and, if attended with success, would yield no further advantage, than to find the enemy retired into their fortified towns; whereas, on the contrary, should the French get the victory, the United Provinces would remain exposed to their incursions. Upon this, the project for attacking their lines was laid aside, and a resolution taken to proceed to the siege of Limburg, as soon as Huy should surrender. Huy was taken three days after, and Limburg (f) was accordingly invested, which the duke of Marlborough took with no loss, but that of so much time as was necessary to bring up a train of artillery. For, having made a wide breach, the confederates intended a general storm the next day, which the enemy perceiving, surrendered themselves prisoners of war to the number of one thousand four hundred men. Guelders, which had been blocked up by the Prussians, surrendered also, on the 17th of December.

Huy and Limburg taken,

and Guelders.

After the taking these places, the duke of Marlborough held daily consultations, and used all possible stratagems to bring them to a decisive battle; but they were contented to stand upon the defensive. Thus the Lower Rhine was secured, and all that country, called the Coudras, was intirely

in 1702, and taken by the confederate army under the duke of Marlborough this campaign. It was retaken by the French in 1705, and again re-possessed by the confederates that same year, in whose hands it now continues. It stands on the river Maese, fourteen miles almost south of Liege, and seventeen almost north-east of Namur.

(f) Limburg is a strong, but no very large city of the Low Countries, the marquisate of the dukedom and territory of Limburg, taken by the confederates this campaign, on the behalf of king Charles III. It is situated upon a rock, among shady woods on the river Wesdret, sixteen miles south-west of Aix la Chapelle, nineteen almost east of Liege, forty-three almost south-west of Cologne, fifty-four north of Luxemburg, and seventy almost east of Brussels.

reduced:

Anne. 1703.

reduced: This was all that our troops, in conjunction with the Dutch, could do in Flanders: [illegible] army, but what by reason of the cautious maxims of the States, what by reason of the factions among them, which were rising very high, between those, who had been of the late king's party, and were now for having a captain-general, and those of the Lovestein party, who were for governing all by a deputation from the States, no great design could be undertaken by an army so much distracted.

Success of the French on the Danube.

In the Upper Rhine matters went much worse. Villars, after his junction with the elector of Bavaria, lay for some time on the Danube, while the elector marched to Tyrol, and possessed himself of Inspruck, the capital of that country. The emperor's forces were so broken into small armies, that he had not one good army any where. He had none in Tyrol, and all that the prince of Baden could do, was to watch Villars's motion; but he did not venture on attacking him, during this separation. Many blamed his conduct: Some called his courage, and others his fidelity, in question; while many excused him, since his army was both weak, and ill furnished in all respects. The duke of Vendosme had orders to march from the Milanese to Tyrol, there to join the elector of Bavaria: Upon which junction, the ruin of the house of Austria would have probably followed: But the boors in Tyrol rose, and attacked the elector with so much resolution, that he was forced to retire out of the country with considerable loss, and was driven out before the duke of Vendosme could join him, so that he came too late. Vendosme seemed to have a design on Trent, but the boors were now so animated with their successes, and were so conducted and supported by officers and troops sent them by the emperor, that he was forced to return back, without being able to effect any thing.

Little done in Italy.

Nothing passed this summer in Italy: The imperialists were too weak, and too ill supplied from Germany, to be able to act offensively: And the miscarriage of the design upon Tyrol lost the French so much time, that they undertook nothing, unless it were the siege of Ostiglia, in which they failed. The strong fortress of Barsello (g), after a long blockade,

(g) Barsello is a fortress of very good strength, in the duchy of Reggio, and properly subject to the duke of Modena. It received a German garrison in 1701, and stands at the conflux of the Lenza and the Po, twenty-eight miles west of Mirandola.

blockade, was forced to capitulate, and, by that means, the French poſſeſſed themſelves of the duke of Modena's country. Anne. 1703.

The elector of Bavaria having been thus forced to quit his acquiſitions in Tirol, except Kufſtein, retired into his own country, upon information that general Raventlau had entered it by the way of Paſſau. Irritated at theſe diſgraces, the elector ſent orders to general Santini to make himſelf abſolute maſter of Ratiſbon, which, in great meaſure, was in his poſſeſſion before. After this, to make himſelf amends for his ill ſucceſs in Tirol, he reſolved to ſeize the imperial city of Auſburgh (h), but was prevented by prince Lewis of Baden, who, upon information of the elector's deſign, marched with the utmoſt ſpeed, and incamped near the city. Upon which the Bavarians divided themſelves in two bodies, the elector and marſhal Villars marching towards Donawert, and count d'Arco, general of the elector's forces, retreating over the Lech to Friedburg; which place was ſoon after ſurrendered to the imperialiſts.

While theſe things were in agitation, prince Lewis of Baden ordered count Stirum to paſs the Danube, and endeavour to oblige the elector to quit an advantageous poſt, which he poſſeſſed upon the left. The elector and marſhal Villars, having intelligence of count Stirum's motions, reſolved to attack him; and, to that end, ſent to the marquis d'Uſſon, who was left in the camp at Lavingen, to come forth on a certain ſignal, and fall upon the imperialiſts in the rear, whilſt they charged them both in front and flank. The preliminaries to the action being thus adjuſted, the elector and the marſhal paſſed the Danube at Donawert, and, diſcharging ſix guns, were anſwered with two from the marquis. Count Stirum, who knew the meaning of the ſignal, inſtantly marched and attacked the marquis before the elector

Battle between Stirum and d'Uſſon.

randola, twenty-eight ſouth-weſt of Mantua, and thirteen north of Reggio.

(h) Auſburg is a large, and one of the moſt celebrated cities of Germany, adorned with magnificent churches, palaces, magazines, admirably well provided, and ſeveral excellent hoſpitals. It is famous for ſeveral imperial diets that are uſually held in it; and it was here, that the preſent king of the Romans was choſen and crowned, Anno 1689. The elector of Bavaria in vain attempted the taking of it, in Auguſt 1703; but made himſelf maſter of it, the latter end of the ſame year. Though he was forced to abandon it after the glorious battle of Hockſtet, in Auguſt 1704. It ſtands on the river Lech by the borders of Bavaria.

and

Anne. 1703.

and marshal could come up. And, observing that the marquis's horse were separated from the foot, he [illegible] with some select squadrons, and charged the enemy [illegible], that they were intirely broken and defeated, having lost twenty standards, and several hundreds slain. The marquis d'Usson, finding his cavalry totally defeated, marched with his foot with great precipitation to his camp at Lavingen, so that all his men were in danger of being either killed or taken prisoners, had not the elector and marshal come up seasonably, and charged the imperialists at the same time. General Scuylemberg, commander of the Saxons, stood the first shock with admirable bravery and resolution; but, a regiment of Bareith giving ground, and the enemy being much superior in number, count Stirum retreated in good order to Nordlingen. The fight continued from six in the morning till four in the afternoon, when the French and Bavarians, being no less weary of an obstinate resistance, gave over the combat; and let the imperialists march off without much molestation, who had lost in the battle, besides their cannon and baggage, above twelve thousand men.

Brisac taken by the French.

The imperialists, being thus employed in driving the elector of Bavaria out of his dominions, and watching the motions of Villars, count Tallard and the duke of Burgundy projected the siege of Old Brisac (i), wherein Vauban, the famous engineer, assisted. Upon the 22d of August, N. S. at night, the line of circumvallation being finished, the trenches were opened, and the besieged made a vigorous defence, though with the loss of a considerable number of men. But the besiegers being provided with a train of an hundred pieces of cannon and thirty mortars, with plenty of all other materials, and the confederates not having a sufficient number of men to attempt the relief of the place, the governor thought fit to surrender it, after a siege of fourteen or fifteen days. For which slender defence, the governor was condemned in a council of war to be beheaded, and all the officers, who signed the capitulation, were punished.

(i) Brisac is a very considerable city and castle of Germany, and esteemed one of the strongest places in Europe; whether its situation upon a high hill be considered, or what art has contributed to render it regular. The fortification is a French league in compass, the bastions are filled with earth, faced with brick, and secured by a large broad ditch full of water: And, it will require (in time of war) eight or ten thousand men to defend it. It stands on the river Rhine, twenty-six miles north of Basil, and thirty south of Strasburg.

The

The duke of Burgundy, having left a numerous garriſon to ſecure the conqueſt, returned triumphantly to Verſailles; and the emperor's affairs being in a declining condition ſince count Stirum's defeat, Tallard was ordered to beſiege Landau*. The confederates, knowing of what importance the preſervation of that place would be to the common cauſe, ordered the hereditary prince of Heſſe-Caſſel to attempt the raiſing of the ſiege. He ſet forwards from the Netherlands, and having joined the count of Naſſau Weilburgh, general of the Palatine forces, near Spires, within four leagues of Landau, they concerted meaſures for relieving the place. The French having intelligence of their proceedings, ordered monſieur Planſtal, with a body of ten thouſand men, to follow the prince with all poſſible expedition; and he was ſo diligent in his march, that he joined marſhal Tallard before the confederates had any notice of it. All things being prepared to attack the French in their lines, count Naſſau came riding to the prince of Heſſe's quarters, and told him, that the enemy was very near, marching directly to attack him, and deſired him to command the right wing to their arms. This was very ſurprizing news to the prince, becauſe the count had conſtantly aſſured him, that Tallard was not in a condition to come out of his lines. However he mounted immediately; and, obſerving the Palatine quarter-maſter-general had ranged the army in a very diſadvantageous place, where they lay expoſed in flank to the enemy, he diſpatched his aid-de-camp to the count, to deſire him to march ſlowly, that he might join him with his right wing. But, before the meſſenger could return, count Naſſau had engaged the enemy, and at firſt had the advantage; but the enemy renewing the charge, fell on with ſo much fury upon the foot, that they were forced to retire in great diſorder, before the right wing, commanded by the prince of Heſſe, could come up to their relief. By this means, the left wing being in great confuſion, the enemy poured all their force upon the right wing, which was defended for ſome time with a great deal of bravery. But, the defeat of the left having opened a way for the enemy to attack the Heſſian foot in front and flank, they were forced to retreat, after an obſtinate and bloody reſiſtance, which continued from one in the afternoon till night. The prince of Heſſe, during the whole action, performed all that could be expected from a brave and experienced commander, having three horſes killed under him, and ſlew a French officer with his own hand. In this action ſeveral perſons of diſtinction fell on both ſides, particularly

Anne. 1703.

Landau taken alſo by the French. Oct. 17.

* See p. 561.

mon-

Anne. 1703. monſieur Pracontal, who commanded the French, beſides ſome thouſands of private men. But that which was the greateſt conſequence of this victory, was the army's marching to the camp before Landau, where the count de Frize, governor of the place, deſpairing of any further relief, ſurrendered that important fortreſs, upon the ſame conditions that were granted the year before to monſieur de Melac the French governor. The enemy valued themſelves very much upon the ſucceſs both of the battle and the ſiege, and count Tallard could not have concluded the campaign with more glory on the French ſide, and with greater diſgrace to the allies, whoſe officers were many of them drinking and celebrating the emperor's birthday at Spire, when the enemy unexpectedly ſurprized them, which unfortunately occaſioned the loſs of the battle and the ſurrender of the town.

Ausburg taken by the elector of Bavaria.

There was nothing more this year very remarkable in Germany, but the taking of Ausburg by the elector of Bavaria, which was inveſted on the 6th of December. During the ſiege, a letter, directed to general Bibrack, the governor, was intercepted. The elector, finding by the contents of it, that the governor was adviſed to take ſuch meaſures, as he ſhould think moſt expedient for the preſervation of the garriſon, and the city from being deſtroyed, but that there was no probability of his being relieved, ſent the letter by the ſame meſſenger, from whom he had taken it, and ordered him to let the governor know, that if he did not immediately deliver up the place, he would lay it in aſhes, and put all the garriſon to the ſword. Whereupon a capitulation was agreed on, and they were allowed to march out with four pieces of cannon, and other marks of honour, and to be conducted to Nordlingen.

A war begun in Hungary.

The emperor's misfortunes were not occaſioned alone by the junction of the French and Bavarians, but were heightened by an inſurrection in Hungary, where cardinal Calonitz and Eſterhaſi had the government intruſted chiefly with them. Calonitz was ſo cruel, and the other ſo ravenous, that the Hungarians took advantage of this diſtraction in the emperor's affairs, to run together in great bodies, and in many places, ſetting prince Ragotzki at their head. They demanded, that their grievances ſhould be redreſſed, and their privileges reſtored. They were animated in this by the practices of the French and the elector of Bavaria's agents. Some ſmall aſſiſtance was ſent them by the way of Poland. They were

were encouraged to enter upon no treaty, but to unite and ſatisfy themſelves; aſſurances being given them, that no peace ſhould be concluded, unleſs they were fully reſtored to all their ancient liberties. Anne. 1703.

The court of Vienna was greatly alarmed at this, fearing it might be ſecretly ſet on by the Turks; though that court gave all poſſible aſſurances, that they would maintain the peace of Carlowitz moſt religiouſly, and that they would in no ſort encourage or aſſiſt the malecontents. A revolution happening in the Ottoman empire, in which a new ſultan was ſet up, raiſed freſh apprehenſions of a breach on that ſide; but the ſultan renewed the aſſurances of maintaining the peace ſo ſolemnly, that all thoſe fears were ſoon diſſipated. There was a great faction at the emperor's court, and among his miniſters; and it did not appear that he had ſtrength of genius enough to govern them. Count Mansfield was much ſuſpected of being in the intereſts of France. The prince of Baden and prince Eugene both agreed in charging his conduct, though they differed almoſt in every thing elſe; yet Mansfield was ſo poſſeſſed of the emperor's favour and confidence, that it was not eaſy to get him ſet aſide. At laſt, he was advanced to an high poſt in the emperor's houſehold, and prince Eugene was made preſident of the council of war. Diſorders in the emperor's court.

During theſe proceedings, the French king had diſcovered the duke of Savoy's inclinations to the confederacy. The duke began to ſee his own danger, if the two crowns of France and Spain ſhould come to be united. He ſaw alſo, that, if the French king drove the imperialiſts out of Italy, and became maſter of the Milaneſe, he muſt lie expoſed to his mercy. His alliance with France was only for one year, which he had renewed from year to year; ſo he offered now to enter into the grand alliance. His leaving the allies, as he did in the former war *, ſhowed, that he maintained the character of his family, of changing ſides as often as he could expect better terms by the new turn; yet his intereſt lay ſo viſibly now on the ſide of the grand alliance, that it was very reaſonable to believe, he was reſolved to adhere firmly to it. And therefore all his demands were granted, as will hereafter appear. The duke, having thus ſecretly agreed to enter into the alliance, did not declare it, but continued ſtill to deny it to the French, that, when the duke of Vendoſme ſhould ſend back his troops at the end of the campaign, he might more ſafely own it. But his deſigns are ſaid to be diſcovered by an intercepted letter. The French had reaſon The duke of Savoy comes into the grand alliance.

* See p. 328.

Anne. 1703.

to suspect a secret negotiation, but could not penetrate into it, so they took an effectual, though a very fraudulent method to discover it, which was that Bishop Burnet soon after by the earl of Pembroke. They got the elector of Bavaria to write to him, with all seeming sincerity, and with great secrecy, for he sent it to him by a subject of his own, so well disguised and directed, that the duke of Savoy was imposed on by this management. In this letter, the elector complained bitterly of the insolence and perfidiousness of the French, into whose hands he had put himself. He said, he saw his error now, when it was too late to do how he could correct it; yet, if the duke of Savoy, who was almost in as bad a state as himself, would join with him, so that they might act by concert, they might yet not only recover themselves, but procure a happy peace to all the rest of Europe. The duke of Savoy, mistrusting nothing, wrote him a frank answer, in which he owned his own designs, and encouraged the elector to go on, and offered all offices of friendship on his behalf, with the rest of the allies: The French, who knew by what ways the Savoyard was to return, seized him, without so much as acquainting the elector with the discovery they had made. Upon this, the French king ordered the duke of Vendosme to seize and disarm the troops of Savoy (being twenty-two thousand men) that were in his army; to demand withal the fortresses of Verceil, Verjur, and Susa, and other places; and, to insist, that the duke of Savoy should reduce the number of his troops to the establishment stipulated in the treaty of 1696, that his most Christian majesty might secure the communication of his territories with those belonging to the crown of Spain in Italy, and restrain the duke of Savoy from giving him any disturbance. The duke, provoked at these demands and insults, immediately commanded several French officers, who happened then to be at Turin, and even the French ambassador himself, to be put under confinement. That minister, surprized at this order, arrogantly told the captain of the guard, who was sent to seize him, "That the duke being in the "king his master's pay, his majesty might as lawfully, and "of right, not only seize his forces, but also the person of "the duke himself, for his treachery. That his master "would also be revenged, and not only harrass him with a "foreign war, but raise intestine broils in the heart of his "dominions." These haughty expressions being reported by the officer to the duke, he went with him into his antichamber, which was crouded with nobility and gentry, and made

made him repeat those insulting words two or three times. The whole court resented the affront to that degree, that they unanimously promised to live and die with their sovereign. On the other hand, the French king ordered the duke of Vendosme to invade the frontiers of Savoy, and to send the following letter to the duke: Anne. 1703.

"SIR,

"CONSIDER neither religion, honour, interest, alliances, nor even your own hand-writing, are of any force between us. I send my cousin, the duke of Vendosme, at the head of my armies, to make known to you my intentions. He will allow you but four and twenty hours to resolve what you have to do."

The duke of Savoy remained unmoved by this menacing letter, which he soon after answered by a manifesto against France. In the mean time he sent the count de Tarini to Vienna, with the treaty concluded between him and count d'Aversberg (who was come to Turin incognito for that purpose) and, having acknowledged the archduke as king of Spain, by the name of Charles III, gave notice of all his proceedings to the queen of Great-Britain and the States of the United-Provinces; and soon after sent envoys into England and Holland, to sollicit the assistance of those two main supports of the confederacy. Queen Anne, well knowing of what importance the duke might prove towards the reducing the exorbitant power of France, immediately assured him of her friendship and protection; and, soon after, sent Mr. Hill to Turin, to concert measures with him against the common enemy. The States, to second the queen's good intentions in favour of the duke, dispatched Vandermeer to him; and both those ministers set out together on their ambassy.

Count Staremberg, being sensible of the disadvantages which the duke of Savoy must necessarily be under at this time, sent him a detachment of fifteen hundred horse, commanded by Visconti; who, notwithstanding all the diligence and secrecy he could use in his march, was attacked by a body of the French under the duke of Vendosme, in the mountains of St. Sebastian; and, after a sharp engagement, escaped with the loss of his baggage, about a hundred and fifty men, and several horses. Soon after, Staremberg himself (according to the positive orders he had received from the imperial court, to attempt a junction with the duke of Savoy) began Remarkable march of Staremberg.

Anne. 1703. began his march for Piedmont, with an army of fifteen thouſand men, from the Secchia through the enemy's country. This march is, by military men, ſaid to be the beſt laid, and the beſt executed, of any in the whole war: He marched from the Modeneſe, in the worſt ſeaſon of the year, through ways that, by reaſon of the rains that had fallen, ſeemed impracticable, having in many places the French both before and behind him: He broke through all, and, in concluſion, joined the duke of Savoy at Carpilli, by which means the duke was ſafe in Piedmont. The French king, perceiving that the breach between him and the duke of Savoy was irreconcileable, reſolved to declare war againſt him, which was accordingly publiſhed on the fourth of December.

A treaty with the king of Portugal. Burnet.

Since the beginning of the war, all the confederates had ſollicited the king of Portugal to enter into the grand alliance, as his own intereſt led him, it being evident, that, as ſoon as Spain was once united to the crown of France, he could not hope to continue long in Portugal. The Almirante of Caſtile was believed to be in the intereſts of the houſe of Auſtria; and therefore, to ſend him out of the way, he was appointed to go ambaſſador to France. He ſeemed to undertake it, and made the neceſſary preparations; but he ſaw this ambaſſy was intended for an exile, and that it put him in the power of his enemies. After he had therefore raiſed what was neceſſary to defray his expences, he ſecretly changed his courſe, and eſcaped with the wealth he had in his hands to Liſbon, where he entered into ſecret negotiations with the king of Portugal and the emperor; and gave great aſſurances of the good diſpoſitions, in which the people and grandees of Spain were, who were grown weary of their new maſters. The riſk which he himſelf ran, ſeemed a very full credential. He affirmed, that the new king was deſpiſed, and the French about him univerſally hated; and that the Spaniards would not bear the being made a province, either to France or to the emperor. He therefore propoſed, that the emperor and the king of the Romans ſhould renounce all their pretenſions, and transfer them to the archduke, and declare him king of Spain; and that he ſhould be immediately ſent thither; for he aſſured them, that the Spaniards would not revolt from the king, who was in poſſeſſion, till they ſaw another king, who claimed his right; and, in that caſe, they would think they had a right to adhere to the king they liked beſt. The king of Portugal likewiſe demanded an enlargement of his frontiers, and ſome new acceſſions

ceſſions to his crown, which were reaſonable, but could not be ſtipulated but by a king of Spain. Anne. 1703.

In the treaty, which the emperor had made with king William and the States-general, one article was, that they ſhould be at liberty to poſſeſs themſelves of the dominions, which the crown of Spain had in the Weſt-indies; and he veſted in them the right, which their arms ſhould give them in theſe acquiſitions: Upon which the king had deſigned to ſend a great fleet, with a land army, into the bay of Mexico, to ſeize ſome important places there, with a deſign of reſtoring them to the crown of Spain, upon advantageous articles for a free trade, as ſoon as the Spaniards ſhould receive a king of the houſe of Auſtria. This deſign was now laid aſide, and the reaſon which the miniſters gave for it, was, that the Almirante had aſſured them, that if we poſſeſſed ourſelves of any of the places in the Weſt-Indies, the whole nation would by that means become intirely French; they would never believe our promiſes of reſtoring them; and ſeeing they had no naval power of their own to recover them, they would go into the French intereſt very cordially, as the only way left to recover theſe place. An intire credit was given to the Almirante; upon which queen Anne and the States-general agreed to ſend over a great fleet, with a land-army of twelve thouſand men, together with a great ſupply of money and arms to Portugal, that king undertaking to have an army of twenty-eight thouſand men ready to join them. In this treaty between the emperor, the queen of Great-Britain, the king of Portugal, and the States-general (which was ſigned at Liſbon, and brought to London on the 24th of May, and of which the ratifications paſſed the great ſeal on the 14th of July) an incident happened, that had almoſt ſpoiled the whole. The king of Portugal inſiſted on demanding the flag, and the other reſpects to be paid by the Engliſh admiral, when he was in his ports. The earl of Nottingham declared, that it was a diſhonour to England to ſtrike even in another king's ports. This was not demanded of the fleet which was ſent to bring over queen Katherine; ſo that, though Methuen, the Engliſh ambaſſador, had agreed to this article, he preſſed the queen not to ratify it. Methuen, in his own juſtification, ſaid, that he had conſented to the article becauſe he ſaw it was inſiſted on ſo much, that no treaty could be concluded, unleſs that point was yielded. The low ſtate of affairs in Portugal in the year 1662, when the protection of England was all they had in view for their preſervation, made ſuch a difference between that and the preſent

Anne. 1703. time, that the one was not to be ſet up for a precedent to govern the other. Beſides, even then, the matter was much conteſted in their councils, though the extremities to which they were reduced, made them yield it. The lord Godolphin looked on this as too inconſiderable to be inſiſted upon; all the affairs of Europe ſeemed to turn upon this treaty, and ſo important a matter ought not to be retarded a day for ſuch punctilios, as a ſalute or ſtriking the flag; and it ſeemed reaſonable, that every ſovereign ſhould claim this acknowledgment, unleſs where it was otherwiſe ſtipulated by expreſs treaties. The laying ſo much weight on ſuch matters, greatly heightened jealouſies; and it was ſaid, that the earl of Nottingham and the Tories ſeemed to lay hold on every thing that could obſtruct the progreſs of the war, while the round proceeding of the lord Godolphin reconciled many to him. The queen confirmed the treaty, upon which the court of Vienna was deſired to do their part. But that court proceeded with its ordinary ſlowneſs. The mildeſt cenſure paſſed on theſe delays was, that they proceeded from an unreaſonable affectation of magnificence in the ceremony, which could not be performed ſoon nor eaſily in a poor but haughty court. It was done at laſt, but ſo late in the year, that the new-declared king of Spain could not reach Holland before the end of October (a). A ſquadron of our fleet, under Sir George Rooke (who was appointed to conduct him to Liſbon) was lying there to bring him over, ſuch as uſed to convoy king William, when he croſſed the ſeas. But the miniſters of the king of Spain thought it was not ſtrong enough, pretending, that they had advertiſements, that the French had a ſtronger ſquadron in Dunkirk, which might be ſent out to intercept him, ſo that an additional ſtrength was ſent. This loſt ſome time and a fair wind. It had like to have been more fatal; for, about the end of November,

The great ſtorm, Nov. 27.

(a) In his journey from Vienna to the Hague, when he came to Duſſeldorp, he was met by the duke of Marlborough, who, in the name of the queen, congratulated him on his acceſſion to the Spaniſh crown. The king, having had notice of the duke's coming, put on a fine rich ſword, with which he preſented his grace in a very obliging manner; for, while they were both in diſcourſe, his majeſty took it from his ſide, and, giving it into the duke's hand with a graceful air, ſaid in French, 'I am not aſhamed to 'ſay, I am but a poor prince, 'Je n'ay que la cape & l'epee, 'I have only my cloke and my 'ſword; the latter may be of 'uſe to your grace, and I hope 'you will not think it the worſe 'for my wearing one day.' The king arrived at the Hague the 3d of November.

the

the weather grew very boiſterous, and broke out, on the 27th, in the moſt violent ſtorm, both by ſea and land, that had ever been known in the memory of man. The city of London was ſo ſhaken with it, that people were generally afraid of being buried in the ruins of their houſes, ſome of which fell and cruſhed their maſters to death (b). Great hurt was done in the ſouthern parts of England, little happening in the north, where the ſtorm was not ſo violent. The beſt part of our navy was then at ſea, which filled all people with great apprehenſions of an irreparable loſs. And indeed, if the ſtorm had not been at its height at full flood and in a ſpring tide, the loſs might have proved fatal to the nation. It was ſo conſiderable, that fourteen or fifteen men of war were caſt away, in which one thouſand five hundred ſeamen periſhed. Few merchant-men were loſt; ſuch as were driven to ſea were ſafe; ſome few only were overſet. Our ſquadron, which was then in the Maeſe, ſuffered but little, and the ſhips were ſoon refitted, and ready to ſail (c). The par-

Anne. 1703.

(b) Dr. Richard Kidder, biſhop of Bath and Wells, and his wife, were killed by the fall of part of the epiſcopal palace at Wells. In like manner was killed at Horſeley in Suſſex, the biſhop of London's ſiſter, the lady Penelope Nicholas. The damage in the city of London only was computed at near two millions; and at Briſtol, about two hundred thouſand pounds.

(c) Sir Cloudeſly Shovel, juſt returned from the Mediterranean, was at anchor in the Gunfleet with two ſecond rate, and ſix third rate men of war, four of which drove from their anchors, and were in the utmoſt danger. One of them, the Aſſociation, on board of which Sir Stafford Fairborne had his flag flying, got into Gottenburgh on the 11th of December. It fared much worſe with the ſhips in the Downs, where rear-admiral Beaumont, whoſe flag was flying in the Mary, periſhed with his own and ſeveral other ſhips.

The liſt of all that were loſt there and elſewhere is as follows:

Vanguard, a ſecond rate, ninety guns, ſix hundred and forty men, loſt in Chatham harbour, no men nor guns aboard.

Northumberland, captain Greenway, a third rate, four hundred and forty-ſix men, ſeventy guns, loſt on the Goodwin Sands, no men ſaved.

Sterling-Caſtle, captain Johnſon, a third rate, four hundred and forty-ſix men, ſeventy guns, loſt on the Goodwin-Sands, ſixty-three men ſaved, with the captain, three lieutenants, and chaplain.

Reſtoration, captain Emms, a third rate, four hundred and forty-ſix men, ſeventy guns,

Anne 1703. parliament being then ſitting, the commons, on this diſmal occaſion, preſented an addreſs to the queen, "expreſſing the "great ſenſe the houſe had of the calamity fallen upon the "kingdom by the late violent ſtorm, and that they could "not ſee any diminution of her majeſty's navy, without "making proviſion to repair the ſame: Wherefore they be-"ſought her majeſty, that ſhe would immediately give di-"rections for repairing this loſs, and for building ſuch capi-"tal ſhips as her majeſty ſhould think fit; and to aſſure her "majeſty, that, at their next meeting, the houſe would ef-"fectually make good that expence; and would give diſ-"patch in raiſing the ſupplies already voted, for making "good her majeſty's treaties with the king of Portugal, and "all her majeſty's other allies, and would conſider of ef-

loſt on the Goodwin-Sands, no men ſaved.

Reſolution, captain Liſle, a third rate, four hundred and forty-ſix men, ſeventy guns, loſt on the coaſt of Suſſex, all the men ſaved.

Mary, rear-admiral Beaumont, captain Edward Hopſon, a fourth rate, three hundred and forty-ſix men, ſixty-four guns, loſt on the Goodwin-Sands, captain and purſer aſhore, and but one man more ſaved.

York, captain Smith, a fourth rate, three hundred and thirty-two men, ſixty guns, loſt at Harwich, all the men ſaved but four.

Newcaſtle, captain Carter, a fourth rate, two hundred and ſeventy-four men, fifty-four guns, loſt at Spithead, the carpenter and twenty-three men more ſaved.

Reſerve, captain Anderſon, a fourth rate, two hundred and twenty-ſix men, forty-eight guns, loſt at Yarmouth, the captain, ſurgeon, and twenty-one more ſaved.

Litchfield Prize, captain Chamberlain, a fifth rate, a hundred and fifty-five men, thirty-two guns, loſt on the coaſt of Suſſex, all the men ſaved.

Arundel, captain Deering, a fifth rate, a hundred and forty-five men, thirty-two guns, loſt at Briſtol, all the men ſaved.

Mortar bomb-ſhip, captain Raymond, a ſixth rate, ſixty-five men, twelve guns, loſt on the Goodwin Sands all the men drowned.

Suffolk, hoſpital, captain Watkins, a ſixth rate, eighty men, ten guns, loſt at Briſtol, all the men ſaved.

Eagle, advice-boat, captain Boſtock, a ſixth rate, fifty-four men, ten guns, loſt on the coaſt of Suſſex, all the men ſaved.

Veſuvius, fire-ſhip, captain Paddon, a ſixth rate, forty-five men, eight guns, loſt at Spithead, all the men ſaved.

Canterbury, ſtore-ſhip, captain Blake, a ſixth rate, forty men, eight guns, loſt at Briſtol, thirteen men ſaved.

fectual

"fectual ways for promoting of trade, for managing her "majeſty's navy royal, and for encouraging the ſeamen." The queen's anſwer was ſuitable to the addreſs, and two or three days after was iſſued a proclamation for a general faſt, which was obſerved throughout England on the 19th of January enſuing, with great ſigns of devotion and ſincerity; the terror, the tempeſt had left on the people's minds, contributing much to their affectionate diſcharge of that religious duty. Anne. 1703.

About the end of December, the king of Spain landed at Portſmouth. The dukes of Somerſet and Marlborough were ſent by the queen to receive him, and bring him to an interview, which was to be at Windſor. Prince George went and met him on the way, and the king was treated with great magnificence. The court was very ſplendid and much thronged. The queen's behaviour towards him was very noble and obliging. The young king charmed all who were preſent. He had a gravity beyond his age, tempered with much modeſty. His behaviour was in all points ſo exact, that there was not a circumſtance in his whole deportment, that was liable to cenſure. He paid an extraordinary reſpect to the queen, and yet maintained a due greatneſs in it. He had an art of ſeeming well pleaſed with every thing, without ſo much as ſmiling once all the while he was at court, which was only three days. He ſpoke but little, and all he ſaid was judicious and obliging. All poſſible haſte was made in fitting out the fleet, ſo that he ſet ſail in the beginning of January, and for five days he had a fair wind, with good weather; but then the wind changed, and he was driven back to Portſmouth, where he lay above three weeks, and then he had a very proſperous navigation. The forces, which were ordered to go over to his aſſiſtance, were by this time got ready to attend on him, ſo that he ſailed, on the fourth of January, with a great fleet, both of men of war and tranſport-ſhips. The fleet was commanded by Sir George Rooke, and the land-forces by the duke of Schomberg, lately made knight of the Garter. When they came within ſixty leagues of Cape Finiſterre, a violent ſtorm enſued, which ſo damaged the ſhips, that Sir George was forced to return to Spithead. He could not ſail again till the 13th of February, when the wind was ſo favourable, that in ten days the king of Spain happily arrived at Liſbon, where he was received with all the outward expreſſions of joy and welcome, and at an expence, in a vain magnificence, which that court could not well bear; but a national vanity prevailed to carry this too far, by which other

The new king of Spain comes to England. Dec. 26. Burnet.

Anne. 1703. other things, that were more neceſſary, were neglected. That court was then very melancholy; for the young infanta, whom the king of Spain was to have married, as had been agreed, died a few days before his arrival.

The affairs of Poland. Burnet.

In Poland the ſcene was now more embroiled than ever. There was ſome appearance of peace this ſummer, but it went off in the winter. The old fierce cardinal aſſembled a dyet at Warſaw, wherein it was declared, that their king had broken all their laws. Upon which they, by a formal ſentence, depoſed him, and declared the throne vacant. This was done in concert with the king of Sweden, who lay with his army at ſome diſtance from them in the neighbourhood of Dantzick, which alarmed the citizens extremely. It was believed, that the dyet deſigned to chuſe Sobieſki, the eldeſt ſon of the late king, who then lived at Breſlaw in Sileſia, and, being in the emperor's dominions, he thought himſelf ſafer than he proved to be. The king of Poland retired into Saxony in ſome haſte, which made many conclude, that he reſolved to abandon Poland; but he laid another deſign; which was executed to his mind, though in the ſequel it proved not much to his advantage. Sobieſki and his brother were in a correſpondence with the party in Poland, that oppoſed king Auguſtus; upon which they ought to have looked to their own ſecurity with more precaution. But they ſeemed to apprehend nothing, where they then were, and ſo diverted themſelves at hunting and otherwiſe in their uſual manner. Upon this, ſome perſons, ſent by the king of Poland, took them both priſoners, and brought them to Dreſden, where they were ſafely kept; and all the remonſtrances which the emperor could make upon ſuch an act of hoſtility, had no effect. This for ſome time broke their meaſures at Warſaw; many forſook them, while the king of Sweden ſeemed implacable in his oppoſition to king Auguſtus, whoſe chief confidence was in the czar. It was ſuſpected, that the French had a management in this matter; ſince it was certain, that by the war in Poland, a great part of that force was diverted, which might otherwiſe have been engaged in the common cauſe of the grand alliance.

The duke of Marlborough, at the end of the campaign in Flanders, returned to England, the thirtieth of October. The queen and prince, having been at the Bath ſeven weeks, came back to Windſor, the 9th of the ſame month.

Thus

Thus ſtood affairs both at home and abroad, when a new ſeſſion of parliament was opened by the queen, with the following ſpeech: Anne. 1703.

" My Lords and gentlemen,

" I HAVE called you together as ſoon as I thought you could conveniently come out of your countries, that no time might be loſt in making our preparations for carrying on the preſent war, in which I do not doubt of your chearful concurrence, ſince you cannot but be ſenſible, that on the ſucceſs of it depends our own ſafety and happineſs, and that of all Europe. The ſecond ſeſſion of queen Anne's firſt parliament. Pr. H. C. III. 278.

" I hope I have improved the confidence you repoſed in me, laſt year, to your ſatisfaction, and the advantage of us and our allies, by the treaty with the king of Portugal, and the declaration of the duke of Savoy, which, in great meaſure, may be imputed to the chearfulneſs, with which you ſupported me in this war, and the aſſurance, with which you truſted me in the conduct of it. And we cannot ſufficiently acknowledge the goodneſs of Almighty God, who is pleaſed to afford us ſo fair a proſpect, as we now have, of bringing it to a glorious and ſpeedy concluſion.

" I muſt therefore deſire you, gentlemen of the houſe of commons, to grant me ſuch ſupplies, as ſhall be requiſite to defray the neceſſary charge of the war in the next year, with regard not only to all our former engagements, but particularly to our alliance lately made with the king of Portugal, for recovering the monarchy of Spain from the houſe of Bourbon, and reſtoring it to the houſe of Auſtria; which treaty, being in itſelf of the higheſt importance imaginable, and requiring all poſſible diſpatch in the execution of it, has neceſſarily occaſioned a great expence, even in this preſent year; though not ſo much as it will require, and for which, I hope, we ſhall be amply recompenced in the next.

" The ſubſidies, which will now be immediately required for the aſſiſtance of the duke of Savoy, will likewiſe occaſion a farther neceſſary charge.

" I muſt take notice to you, that no particular proviſion was made in the laſt ſeſſion, either for the charge of our preſent expedition to Portugal, or for that of the augmentation troops deſired by the States-general; yet the funds given by parliament have held out ſo well, and the produce of the prizes has proved ſo conſiderable, that you will

" find

Anne. 1703. " find the public will not be in debt by reaſon of either of " theſe additional ſervices.

" I may further obſerve to you, that, though the funds " for the civil government are diminiſhed by the war, I " have, in conjunction with the States-general, contributed " out of my own revenue towards ſome public ſervices, and " particularly the ſupport of the circle of Swabia, whoſe firm " adherence to the intereſt of the allies, under the greateſt " preſſures, did very well deſerve our ſeaſonable aſſiſtance. " And I ſhall ſtill be careful not to engage myſelf in any un- " neceſſary expence of my own, that I may have the more " to ſpare towards the eaſe of my ſubjects.

" My Lords and gentlemen,

" I heartily wiſh ſome eaſy and leſs chargeable method " could be found out for the ſpeedy and effectual manning " of the fleet.

" I muſt alſo recommend to you, to make ſome regulation " for preventing the exceſſive price of coals. I have exami- " ned this matter, and taken particular care to appoint con- " voys for that ſervice; but the price has not been in the " leaſt abated, notwithſtanding a very conſiderable quantity " has been imported ſince that time. This gives great " ground of ſuſpicion, there may be a combination of ſome " perſons to enrich themſelves by a general oppreſſion of " others, and particularly the poor. It will deſerve your " conſideration, how to remedy this great inconvenience.

" And, in all your affairs, I muſt recommend as much " diſpatch, as the nature of them will admit. This is neceſ- " ſary to make our preparations early; on which, in great " meaſure, depends the good ſucceſs of all our enterprizes. " I want words to expreſs to you my earneſt deſires of ſeeing " all my ſubjects in perfect peace and union among them- " ſelves. I have nothing ſo much at heart, as their general " welfare and happineſs. Let me therefore deſire you all, " that you would carefully avoid any heats or diviſions, that " may diſappoint me of that ſatisfaction, and give encou- " ragement to the common enemies of our church and " ſtate.

The concluſion of the queen's ſpeech, wherein ſhe ſo ſtrongly recommended peace and union to all her people, was underſtood as an intimation of her deſire, that there ſhould be no further proceeding in the bill againſt occaſional conformity. Addreſſes, full of reſpect, were made to the queen,

in

in return to her ſpeech. The commons, indeed, to the queen's earneſt deſire of union, ſaid only, they would carefully avoid any heats or diviſions, that might give encouragement to the common enemies of the church and ſtate: But the lords, in their addreſſes, expreſſed themſelves more fully, and aſſured her majeſty, in the moſt ſolemn manner, that, purſuant to her moſt earneſt deſire, they would not only avoid, but oppoſe whatever might tend to create any diſquiet or diſſention among her ſubjects. However, nothing could lay the heat of a party, which was wrought on by ſome who had deſigns that were to be denied or diſguiſed, till a proper time for owning them ſhould appear. And therefore, notwithſtanding the queen (who had been informed that the occaſional bill had alarmed a great part of her ſubjects, who were otherwiſe well affected to her government, and no leſs able and zealous to aſſiſt her in carrying on the war) had endeavoured, by the warmeſt expreſſions, to diſſuade the parliament from this meaſure, yet that bill was again revived (d). As this had been foreſeen by the moderate party,

Anne. 1703.

Dr.

(d) It is obſervable, that though the queen had been prevailed with to expreſs a deſire, that the parliament would avoid meaſures tending to create diviſions (meaning the occaſional conformity bill) yet it appears, by the following letter, how much ſhe leaned to the Tories, and even to thoſe meaſures ſhe would have diſſuaded them from, and which ſhe only thought unſeaſonable at that time.

Friday morning.

'I give my dear Mrs. Freemann many thanks for her 'long letter, and am truly ſenſible of the ſincere kindneſs 'you expreſs in it; and in return, to eaſe your mind, I 'muſt tell you, 'Mr. Bromley '' will be diſappointed, for the '' prince does not intend to go '' to the houſe, when the bill '' of occaſional conformity is '' brought in;' but, at the 'ſame time, that I think him 'very much in the right not to 'vote in it, I ſhall not have the 'worſe opinion of any of the 'lords that are for it; for, 'though 'I ſhould have been '' very glad, it had not been '' brought into the houſe of '' commons,' becauſe I would 'not have had any pretence gi'ven for quarrelling; I cannot 'help thinking, 'now it is as '' good as paſt there, it will be '' better for the ſervice to have '' it paſs the houſe of lords too.' 'I muſt own to you, that I ne'ver cared to mention any thing 'on this ſubject to you, becauſe 'I knew you would not be of 'my mind; but, ſince you have 'given me this occaſion, I can'not forbear ſaying, that 'I ſee '' nothing like perſecution in '' this bill. You may think it '' is a notion lord Nottingham '' has

Anne. 1703.

Dr. Davenant (who now ſeemed to have forſaken his party) by the encouragement, and with the approbation of the lord Hallifax, publiſhed a book, entitled, 'Eſſays upon peace at 'home and war abroad,' wherein he inforced what her majeſty had lately recommended from the throne; and endeavoured to bring all ſorts of men to lay aſide their heats and animoſities, and to unite in their own defence, againſt the common danger, with deſign to diſſuade the bringing in of the occaſional bill. At the ſame time Sir Humphry Mackworth publiſhed a ſmall treatiſe, 'in defence of the proceed-'ings of the commons in relation to the conformity bill;' which pamphlet, however, contained little beſides the arguments uſed a year before on the ſame ſubject. At length, about a fortnight after the meeting of the parliament, a motion was made in the houſe of commons, for bringing in 'a 'bill againſt occaſional conformity.' Great oppoſition was made to it; the court was againſt it; but it was carried by a great majority, that ſuch a bill ſhould be brought in. A new draught was accordingly formed. Though it was the ſame in ſubſtance with the preamble, which was in the former bill, yet in ſeveral things it differed. The preamble againſt 'perſecution for conſcience only,' was now left out. The former bill began, with mentioning the 'act of indul-'gence,' ſaying, That 'that act ought inviolably to be ob-'ſerved;' whereas, this takes not the leaſt notice of it. This bill began with mentioning the corporation and teſt-acts, which it ſays, 'manifeſtly intended that all perſons to be ad-'mitted into ſuch offices and employments, ſhould be, and 'always remain conformable to the Church of England, as 'by law eſtabliſhed; which acts (it ſays) have been noto-'riouſly eluded, &c.' And in the 'enacting part,' whereas the former bill allowed but four beſides the family where a conventicle was held, this allowed nine, and inflicted no puniſhment, unleſs there were ten or more, beſides the family.

The bill againſt occaſional conformity revived. Burnet. Hiſt. of Europe.

'has put into my head, but 'upon my word it is my own 'thought.' I am in hopes, I 'ſhall have one look before you 'go to St. Albans, and there-'fore will ſay no more now, but 'will anſwer your letter more at 'large ſome other time; and 'only promiſe, my dear Mrs. 'Freeman, faithfully, I will 'read the book ſhe ſent me, 'and beg ſhe would never let 'difference of opinion hinder 'us from living together, as we 'uſed to do. Nothing ſhall 'ever alter your poor, unfortu-'nate, faithful Morley, who 'will live and die, with all 'truth and tenderneſs, yours.' Conduct of the ducheſs of Marlborough, p. 154.

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The Penalty in the former bill was one hundred and five pounds for every day that the persons concerned continued afterwards in office: But now it was brought down to a forfeiture of fifty pounds. There were also some other differences. These were artifices, by which it was hoped, upon such softenings, to carry the bill on any terms; and when that point was gained, it would be easy afterwards to carry other bills of greater severity. There was now such a division upon this matter, that it was fairly debated in the house of commons; whereas before it went there with such a torrent, that no opposition to it could be hearkened to. Those who opposed the bill, went chiefly upon the ground, that the bill put the Dissenters in a worse condition than they were in before; and that it was a breach upon the Toleration, which ought not to be made, since they had not deserved it by any ill behaviour of their's, by which it could be pretended, that they had forfeited any of their benefits designed by that act. That things of this kind could have no effect, but to imbroil the nation with new distractions, and to disgust persons well-affected to the queen, and her government. That it was necessary to continue the happy quiet, that the nation now enjoyed, especially in this time of war, in which even the severest of persecutions made their stops, for fear of irritating ill humours too much. The old topics of hypocrisy, and of the danger the Church was in, were brought up again on behalf of the bill, which passed the commons on the 7th of December, by a great majority, and was sent up to the house of lords, where it occasioned a debate of many hours, whether the bill should be entertained or read a second time, or thrown out. The prince of Denmark appeared no more for it, nor did he come to the house upon this occasion. Some who had voted for it in the former session, kept out of the house; and others owned, that they saw farther into the design of the bill, and so voted against it. The bishops were almost equally divided: There were two more against it than for it. Bishop Burnet distinguished himself by his speech against the bill. He gave the lords an account how the test-act had been carried, and mentioned the many practices of the Papists, in order to set the Church against the Dissenters, and the Dissenters against the Church, by turns, as it might serve their ends. He ventured to say, that a man might lawfully communicate with a church, which he thought had a doctrine and a worship uncorrupted, and yet communicate more frequently with a church, which he thought more perfect; and that he himself had communicated with the

Church-es

Anne 1703. churches of Geneva and Holland, and yet at the ſame time communicated with the church of England: So that, though the Diſſenters were in a miſtake as to their opinion, which was the more perfect church, yet, allowing them a toleration in that error, this practice might be juſtified. Several of the temporal lords ſpoke alſo againſt the bill, particularly the lord Haverſham, the duke of Devonſhire, the earl of Pembroke, the lord Mohun, the lord Ferrars, and the lord Wharton. The laſt of theſe, to ſhew the unſeaſonableneſs of any thing, that led to perſecuting their Proteſtant brethren, took notice of the diſtracted ſtate of Scotland, and of the inſolence of the Papiſts in Ireland; adding, that the houſe ought rather to imitate the parliament of Ireland in their zeal againſt Popery, than to frame laws to increaſe diviſions here. Nor did the lord Mohun ſtick to ſay, "That if "they paſſed this bill, they had as good tack the pretended "prince of Wales to it." Upon the whole matter, it was carried by a majority of twelve not to give it a ſecond reading, but to reject it. The clergy over England, who were generally inflamed in this matter, could hardly forgive the queen and the prince the coldneſs, which they expreſſed on this occaſion. The lord Godolphin did ſo poſitively declare, he thought the bill unſeaſonable, and had done all he could to hinder its being brought in, that, though he (as well as the duke of Marlborough) not only voted for a ſecond reading, but alſo entered their diſſent againſt the rejecting it; the party were exaſperated againſt him, and ſet up the earl of Rocheſter, as the only man to be depended on, and who deſerved to be the prime miniſter.

The commons vote the neceſſary ſupplies. Pr. H. C. III.

Notwithſtanding theſe diviſions, the commons gave all the ſupplies that were neceſſary for carrying on the war. Some indeed tried to tack the bill againſt occaſional conformity to the bill of ſupply; but they had not ſtrength to carry it. On the 19th of November, Mr. ſecretary Hedges laid before the houſe the copies of ſuch treaties, as were not laid before them the laſt ſeſſion of parliament, among which was 'the defen-'ſive and offenſive treaty with Portugal.' Theſe treaties having been examined in the committee of the whole houſe, it was reſolved, on the 27th, "That the forty thouſand men, "which were raiſed to act in conjunction with the forces of "the allies, and the additional troops, conſiſting of ten thou-"ſand men, ſhould be continued for the year 1704. That "the proportion of land-forces, to act in conjunction with "the forces of Portugal, ſhould be eight thouſand men, "conſiſting of one thouſand horſe and dragoons, and ſeven "thou-

" thouſand foot. And, that the ſum of one million eight Anne
" hundred one thouſand and ſix pounds, fifteen ſhillings, be 1703.
" granted for maintaining theſe forces, and the guards and
" garriſons of this kingdom, the payment of invalids, and
" diſcharging the ſubſidies payable to her Majeſty's allies."
Two days before the commons reſolved, " That forty thou-
" ſand men, including five thouſand marines, be employed
" for ſea-ſervice for the year 1704; and that a ſum of four
" pounds a man per month, for thirteen months, be al-
" lowed for maintaining the forty thouſand men, including
" the ordnance for ſea-ſervice." The laſt day of that month, Mr. ſecretary Hedges acquainted the houſe, " That their
" addreſs, relating to the continuance of the ſtop of all cor-
" reſpondence with France and Spain, having been pre-
" ſented to the queen, her majeſty was pleaſed to anſwer,
" that 'ſhe thought the continuance of the ſtop of all poſts,
" 'letters, trade, and all other correſpondence with the
" 'enemies, ſo neceſſary for the public good, that ſhe would
" 'forthwith give orders to her miniſter at the Hague, to in-
" 'ſiſt upon it, with the States-general, as the commons
" 'deſired.'" The ſame day, the commons voted an addreſs to her majeſty, aſſuring her, That they would provide for the making good ſuch alliances, as ſhe had made, or ſhould make with the duke of Savoy.

A plot diſcovered. Pr. H. L. II. 71. Burnet.

The ſeaſonable diſcovery about this time of the ill deſigns of the Jacobites and French emiſſaries in Scotland, juſtified the lord Wharton's taking notice, in his ſpeech againſt the occaſional conformity-bill, of the diſtracted ſtate of that kingdom. The court of St. Germain's perceiving the diviſions in Scotland, and the great oppoſition made in the parliament of that kingdom, had been encouraged to ſet all their agents there at work, in order to engage both the chief of the nobility, and the ſeveral tribes in the Highlands, to be ready to appear for them. Simon Frazer of Beaufort, lord Lovat, had gone through the Highlands the year before, and from thence went to France, where he pretended, that he had authority from the Highlanders to undertake to bring together a body of twelve thouſand men, if they might be aſſiſted by ſome force, together with officers, arms, ammunition, and money, from France. After he had delivered this meſſage to the queen at St. Germain's, ſhe recommended him to the French miniſters, of whom he had ſome audiences. He propoſed, that five thouſand men ſhould be ſent from Dunkirk to land near Dundee, with arms for twenty thouſand men; and that five hundred ſhould be ſent from Breſt,

Anne. 1703. to ſeize on fort William, which commanded the great paſs in the Highlands. The French hearkened to all this, but would not venture much upon ſlight grounds, and therefore ſent him back, with ſome others, in whom they confided more, to ſee how much they might depend on, and what the ſtrength of the Highlanders was. They were alſo ordered to try, whether any of the great nobility of that kingdom would engage in the deſign. When theſe came over, Frazer got himſelf ſecretly introduced to the duke of Queenſberry, to whom he diſcovered all that had been already tranſacted; and undertook to diſcover the whole correſpondence between St. Germain's and the Jacobites. He named alſo many of the lords, who oppoſed the duke moſt in parliament, and ſaid, that they were already deeply engaged. The duke hearkened very willingly to all this, and gave him a paſs to go through the Highlands again, where he found ſome were ſtill very forward, but others were more reſerved. At his return, he reſolved to go back to France, and promiſed to make a more intire diſcovery. He put one letter into the duke of Queenſberry's hands, from the queen at St. Germain's, directed on the back, but by another hand, to the marquis of Athol. The letter was writ in ſuch general terms, that it might have been directed to any of the great nobility; and probably he, who was truſted with it, had power given him to direct it to any, to whom he found it would be moſt acceptable; for their was nothing in the letter, that was particular to any one perſon or family; it only mentioned the promiſes and aſſurances ſent to her by that lord. This Frazer had been accuſed of a rape, committed on a ſiſter of the marquis of Athol's, for which he was convicted and outlawed; ſo that it might be ſuppoſed, that he, to be revenged on the marquiſs, who proſecuted him for that crime, might put his name on the back of the letter. It is certain, that the others, who were more truſted than Frazer, and were ſent over with him, avoided his company, ſo that he was not made acquainted with that proceeding. He came up to London in winter, and had ſome meetings with the practiſing Jacobites about the town, to whom he diſcovered his negotiation. He continued ſtill to perſuade the duke of Queenſberry of his fidelity to him. His name was not told the queen; for, when the duke wrote to her an account of the diſcovery, he added, that, unleſs ſhe commanded it, he had promiſed not to name the perſon, for he was to go back to St. Germain's to compleat the diſcovery. The queen did not aſk his name, but had more regard to what he ſaid, becauſe,

came, in the main, it agreed with the intelligence, that her ministers had from their spies at Paris. The duke of Queensberry procured a pass for him to go to Holland, but by another name, for he opened no part of this matter to the earl of Nottingham, who gave the pass. The Jacobites in London suspected Frazer's correspondence with the duke of Queensberry, and gave advertisement to the marquis of Athol; and by this means the whole matter broke out. About this time Sir John Maclean, a Papist, and head of that tribe or clan in the Highlands, and western isles of Scotland, came over from France in a little boat, and landed secretly at Folkstone in Kent. He brought his lady with him, though she had been delivered of a child but eleven days before. He was taken, and sent up to London; and it seemed, by all circumstances, that he came over upon some important design. He pretended, at first, that he came only to go through England into Scotland, to take the benefit of the queen's general pardon there. But, when he was told, that the pardon in Scotland was not a good warrant to come into England, and that it was high treason to come from France without a pass, he was not willing to expose himself to the severity of the law, and was prevailed upon to give an account of all that he knew concerning the negotiations between France and Scotland. Some others were at the same time taken up upon his information, and some upon suspicion. Amongst those there was one Keith, whose uncle was trusted by the court of St. Germain's, and whom they had sent over with Frazer, to bring them an account of the temper the Scots were in, upon which they might depend. Keith had been long at that court; he had free access both to that queen and the pretended prince of Wales, and hoped they would have made him under secretary for Scotland. For some time he denied, that he knew any thing; but afterwards he confessed, that he was made acquainted with Frazer's transactions, and he undertook to deal with his uncle, to come and discover all he knew, and pretended there was no other design among them, but to lay matters so, that the prince of Wales should reign after the queen. Ferguson offered himself to make great discoveries; he said, that Frazer was employed by the duke of Queensberry, to decoy some into a plot, which he had framed and intended to discover, as soon as he had drawn many into the guilt. He affirmed, that there was no plot among the Jacobites, who were glad to see one of the race of the Stuarts upon the throne; and they designed, when the state of the war might dispose the queen to a treaty with France, to get

Anne. 1703.

Anne. 1703. such terms given her, as king Stephen and king Henry VI had, to reign during her life. When biſhop Burnet heard this, he recollected what the marquis of Athol had ſaid to him ſoon after the queen's acceſſion to the crown; when, upon the biſhop's ſaying, That he hoped no man in Scotland thought of the prince of Wales; the marquis anſwered, He knew of none that thought of him, as long as the queen lived. The biſhop replied, That, if any thought otherwiſe after that, he was ſure the queen would live no longer, than till they thought their deſigns for him were well laid. But the marquis ſeemed to have no apprehenſion of that. The biſhop immediately told the queen this, without naming the perſon; and ſhe anſwered him very quick, There was no doubt of that. But, though the biſhop could not but reflect often on that diſcourſe, yet, ſince it was ſaid to him in confidence, he never ſpoke of it to any one perſon, during all the inquiry that was now on foot. Ferguſon, ever ſince he had left the place which had been given him at the revolution, had been the boldeſt and moſt active man of the Jacobite party. He pretended, that he was now for High-church, but many believed him a Papiſt. There was matter of treaſon ſworn both againſt him and Keith, but there was only one witneſs to it.

At the ſame time Lindſey was taken up, who had been under-ſecretary, firſt to the earl of Melfort, and then to the earl of Middleton. He had carried over from France the letters and orders, that gave riſe to the earl of Dundee's breaking out the year after the revolution; and he had been much truſted at St. Germain's. He had a ſmall eſtate in Scotland, and he pretended, that he took the benefit of the queen's pardon, and had gone to Scotland to ſave his eſtate; and, being ſecured by this pardon, he thought he might come from Scotland into England; but he could pretend no colour for his coming to England; and, therefore, it was not doubted, but that he came hither to manage their correſpondence and intrigues. He pretended, that he knew of no deſigns againſt the queen and her government; and that the court of St. Germain's, and the earl of Middleton in particular, had no deſign againſt her. But, when he was ſhewed Frazer's commiſſion to be a colonel, ſigned by the pretended king, and counterſigned Middleton, he ſeemed amazed at it: He did not pretend it was a forgery, but he ſaid, that things of that kind were never communicated to him.

At

At the same time that these were taken up, others were seized on the coast of Sussex. One of these, Boucher, was a chief officer in the duke of [illegible]'s family, who was then going to Spain; but it was suspected, that this was a blind to cover his going to Scotland. Anne. 1703.

During the height of the debates about the bill against Occasional Conformity, the earl of Scarborough produced a letter from his brother, acquainting him, that several suspected persons, retainers to the duke of Berwick, were come over and seized. Upon this the earl of Nottingham, secretary of state, told the house, "That this matter was already before the queen, and would, in few days, be laid "before both houses." Nevertheless, the majority of lords, either out of zeal for the safety of the queen's person and government, or because they did not think it prudent to leave the inquiry into so important an affair in the hands of a person, whose affection to the Revolution Settlement had been questioned, resolved to appoint a committee of seven of their own members to examine into it, and ordered, that Sir John Maclean be brought to their house the next day. The lord steward having, on that day, acquainted the house, by her majesty's command, "That the examination relating to "Sir John Maclean, was a matter of that nicety and great "importance, that she thought it would be inconvenient to "take it out of the method of examination it was now in, "and that her majesty would, in a short time, communicate "it to the house," their lordships acquiesced, and ordered the lords, with the white staves, to attend the queen, to desire her, that Sir John Maclean might be committed to such safe custody, as that no person be permitted to speak to him without her leave, and that he neither write nor receive any letters or papers from any person, without the like permission from her majesty: Which was complied with. Dec. 13.

On the 17th of December, the queen came to the house of peers, and having passed the 'act for a land-tax for the 'year 1704,' made a speech to both houses, wherein she acquainted them, "That she had unquestionable informa- "tions of very ill practices and designs carried on in Scot- "land by emissaries from France, which might have proved "extremely dangerous to the peace of these kingdoms; as "they would see by the particulars, which should be laid "before them, as soon as the examinations could be fully "perfected and made public without prejudice: And that, "in the mean time, she doubted not but by this seasonable "[illegible] should be able to give such directions for The queen's speech in account of the plot.

Anne. 1703.

" their ſecurity as would effectually prevent any ill con-
" ſequences from theſe pernicious deſigns."

The day following, the lords proceeded by ballotting to the choice of their ſelect committee; which fell on the dukes of Somerſet and Devonſhire, the earls of Sunderland, Scarborough, and the lords Sommers, Townſhend, and Wharton. Then the lords, in an addreſs, thanked the queen for communicating to them her informations, of the practices of her enemies in Scotland; and, the next day, the like addreſs was preſented alſo by the commons.

Dec. 20.

Diſputes between the two houſes in addreſſes to the queen. Dec. 23.

The commons, being in an ill humour againſt the lords, were glad to find occaſions to vent it. They thought the lords appointing a Select Committee, to examine the perſons ſuſpected, to be an incroachment on the royal prerogative, or, at leaſt, a reflection on ſome of the miniſters, and therefore they preſented the following addreſs to the queen:

" Moſt gracious ſovereign,

" WE your majeſty's moſt dutiful and loyal ſubjects, " the commons of England in parliament aſſem-
" bled, beg leave humbly to lay before your majeſty the
" great and juſt concern we are under, to ſee any violation
" of your royal prerogative.

" Your faithful commons believe the adminiſtration of
" the government beſt ſecured, when it is left to your ma-
" jeſty, as the law has intruſted it; and have ſo firm a de-
" pendence upon your majeſty's affection to your people,
" and your great wiſdom, that they can never apprehend ſo
" little danger from any conſpiracy, as when the examina-
" tion thereof is under your majeſty's direction.

" We are therefore ſurprized to find, that, when ſeveral
" perſons, ſuſpected of treaſonable practices againſt your
" majeſty, were taken into cuſtody by your meſſengers, in
" order to be examined, the lords, in violation to the known
" laws of the land, have wreſted them out of your majeſty's
" hands; and, without your majeſty's leave or knowledge,
" in a moſt extraordinary manner, taken the examination of
" them ſolely to themſelves, whereby a due inquiry into the
" evil practices and deſigns againſt your majeſty's perſon and
" government may, in great meaſure, be obſtructed.

" Your loyal commons do therefore moſt earneſtly de-
" ſire your majeſty to ſuffer no diminution of that preroga-
" tive, which, during your majeſty's reign, they are confi-
" dent,

" debt, will always be expected for the good of your people. Anne. 1703.

" And we humbly beg leave to assure your majesty, that, as we are resolved, by timely and effectual supplies, to enable your majesty to carry on the war, which you have so gloriously begun; so we will, to the utmost of our power, support your majesty in the exercise of your just prerogative at home, and the assertion of it against all invasions whatsoever."

In answer to which the queen said, " That she had the " satisfaction to find, that the matter, which might have " occasioned this address, was now at an end: That she " returned them many thanks for the concern they ex- " pressed for her prerogative, and for their repeated assu- " rances of making the supplies effectual, which would be " greatly to the honour and advantage of the kingdom: " And that she would be careful not to give way to any in- " vasions of the prerogative of the crown, or of the rights " and liberties of the people."

The address of the commons against the lords was a proceeding without a precedent: The parliamentary method was, when one house was offended with any thing done in the other, conferences were demanded, in which matters were freely debated. But to begin an appeal to the throne was new, and might be managed by an ill-designing prince, so as to end in the subversion of the whole constitution. And it was an amazing thing, to see an house of commons affirm, in so public a manner, and so positively, that the lords taking criminals into their own custody, in order to an examination, was without warrant or precedent, when there was so many instances fresh in every man's memory, especially since the time of the Popish plot, of precedents in both houses, that went much farther, of which a full search had been made, and a long list of them read in the house of lords. That did not a little confound those among them, who were believed to be in a secret correspondence with the house of commons; they were forced to confess, that they saw the lords had clear precedents to justify them in what they had done, of which they were in great doubt before.

It seemed surprizing to many, that the commons, whose proper province it is to take care of the liberties of the subject, should now appear such zealous assertors of the royal prerogative, in opposition to the house of lords, who are the

Anne. 1703. natural defenders of it. But this was intirely owing to a party-pique; the Tories, or High-church-party, who were the ſtrongeſt in the houſe of commons, laying hold of all opportunities, both to ingratiate themſelves with the queen and to oppoſe the Whigs, who had the majority in the house of lords. Beſides, the Tories received no ſmall encouragement from ſome perſons in high ſtations, who were ready enough to countenance thoſe who endeavoured to ſift the Scots conſpiracy, which made the Whig lords the more eager to examine into it.

1703-4. The houſe of lords highly reſented the reflection caſt upon them by the commons in this addreſs; and therefore, to vindicate their honour, and aſſert their privileges, they declared, Jan. 12, 13. "That, by the known laws and cuſtoms of parliaments, they had an undoubted right, whenever they conceive it to be for the ſafety of her majeſty and the kingdom, to take examinations of perſons charged with criminal matters, whether they be in cuſtody or not; and to order, that perſons to be examined be taken into cuſtody of her majeſty's ſworn officer attending their houſe." And Jan. 17. four days after, they reſolved, "That the addreſs of the commons is unparliamentary, groundleſs, without precedent, and highly injurious to the houſe of peers, tending to interrupt the good correſpondence between the two houſes, and create an ill opinion in her majeſty of the houſe of peers, and of dangerous conſequence to the liberties of the people, the conſtitution of the kingdom, and privileges of parliament." This done, they preſented, Jan. 18. the next day, a Repreſentation to the queen, in which they complained of the ill uſage they had met with from the houſe of commons: They uſed none of thoſe hard words, that were in the addreſs made againſt them by the houſe of commons, yet they juſtified every ſtep they had taken, as founded on the law and practice of parliament, and no way contrary to the duty and reſpect they owed to the queen. The behaviour of the commons was ſuch, on this occaſion, as if they had no mind that plots ſhould be narrowly looked into. No houſe of parliament, and indeed no court of judicature, did examine any perſon, without taking him into their own cuſtody during ſuch examination; and, if a perſon's being in cuſtody muſt reſtrain an houſe of parliament from examining him, here was a maxim laid down, by which bad miniſters might cover themſelves from an inquiry into their ill practices, only by taking the perſons, who could make diſcoveries, into cuſtody. The lords alſo ſet forth the ill con-

Anne. 1703-4.

conſequences that might follow upon one houſe of parliament carrying their complaints of another to the throne, without taking firſt the proper methods of conferences. This repreſentation was drawn with the utmoſt force, as well as decency and decency of ſtile, and was reckoned one of the beſt pieces of its kind that were in all the records of parliament (a).

The

(a) It was in theſe words:

"May it pleaſe your moſt excellent majeſty,

We your majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal in parliament aſſembled, find ourſelves under an unhappy neceſſity of making this our humble application to the throne, upon an occaſion of an addreſs preſented to your majeſty by the houſe of commons, the 23d day of December laſt, and ſince that time publiſhed to the whole nation in print; by which the houſe of lords is charged with the violation of your royal prerogative, and of the known laws of the land, with wreſting perſons ſuſpected of treaſonable practices, and taken into cuſtody by meſſengers, out of your majeſty's hands without your leave or knowledge, and in a moſt extraordinary manner taking the examination of them ſolely to themſelves, whereby a due inquiry into the evil practices and deſigns againſt your majeſty's perſon and government might in great meaſure be obſtructed. And they conclude their addreſs by moſt earneſtly deſiring your majeſty to ſuffer no diminution of your prerogative, and promiſe to ſupport you in the aſſerting it againſt all invaſions whatſoever. It is not poſſible for us to remain ſilent under this heavy charge, ſo unjuſtly, and without the leaſt ground or colour, endeavoured to be fixed upon the whole body of the peers, which, tending directly to create an ill opinion of us in your majeſty, puts us under an inevitable neceſſity of vindicating both the legality and dutiful manner of our proceeding.

The expreſſions in the addreſs of the houſe of commons are ſo very harſh and indecent, that we may truly affirm the like never were uſed of the houſe of peers in any age, not even by that aſſembly, which, under the name of the houſe of commons, took upon them, not only to aboliſh the houſe of lords, but to deſtroy the monarchy. We ſhall carefully avoid making returns of that kind: We conſider too much what we owe to ourſelves, and we know too well the profound reſpect due to your royal perſon, to let any provocation tranſport us ſo, as to uſe words unfit to be offered by us to our ſovereign.

The matter of this addreſs is no leſs injurious to us, than the terms. There was not the leaſt occaſion for a juſt objection to any part of our conduct in that buſineſs, to which the addreſs relates. The proceeding was ſtrictly juſtifiable by the known laws

Anne. 1703-4. The queen in her anſwer declared, "That ſhe was ſorry "for any miſunderſtandings, that happen between the two

laws and cuſtoms of parliament. It was carried on with the utmoſt reſpect to your majeſty, and with true zeal for the ſafety of your perſon and government. All that was done, was agreed to by the concurrent opinion of the houſe, without the leaſt objection from any of our members, who have the honour of ſerving your majeſty in your great offices and employments.

We humbly repreſent to your majeſty, that, by the known laws and cuſtoms of parliaments, the houſe of peers has an undoubted right, in caſes, where they conceive it to be for the good and ſafety of your majeſty and the kingdom, to take examinations of perſons charged with criminal matters, whether ſuch perſons be then in cuſtody or not; and alſo to order the perſons ſo to be examined to be taken into cuſtody of your majeſty's ſworn officers attending the houſe during ſuch examination, or to commit them to any other ſafe cuſtody that they ſhall think proper, and to reſtrain others, if they ſee cauſe, from having acceſs to, or communication with them. The houſe of lords has exerciſed this right from time to time, as occaſions have required, without objection. Our records are filled with precedents, which warrant our claim in every part of it; and we preſume to aſſirm to your majeſty, that the drawing this right into queſtion, at any time, cannot but be of dangerous conſequence to the liberties and ſafety of the people, the conſtitution of the government, as tending to avoid, or render in great meaſure ineffectual, the inquiries of parliaments, which are ſo abſolutely neceſſary, eſpecially where many and great perſons are engaged in dangerous deſigns againſt the government, or where ill miniſters abuſe their favour towards the oppreſſing or inſlaving of the people. Your majeſty's wiſdom and goodneſs make us ſecure at preſent againſt all influences of that kind; and we unanimouſly and heartily pray we may long enjoy the bleſſing of your reign. But, if it happens in future time, that ill men ſhould gain too great a degree of favour with our princes, how eaſily would it be for them to ſtifle or defeat all parliamentary inquiries into their crimes? For if the being in priſon, or in the hands of a meſſenger, will protect men from being examined in the houſe of lords, or from being put into the cuſtody of the proper officers of the houſe, during the examination, and debarred from converſing with others; it will certainly be always in the power of favourites to cauſe thoſe, who can be witneſſes againſt them, as well as the accomplices of their deſigns, to be taken into cuſtody. And, if perſons in cuſtody are out of the reach of the houſe of lords, who are the hereditary counſellors of the crown, and in whom a judicial power is lodged by the con-

houſes of parliament, which was ſo inconvenient for the public ſervice, and ſo uneaſy to her, that ſhe could not but Anne. 1703-4.

conſtitution, it is not to be imagined that the commons can pretend to a greater power of examining, committing, or reſtraining them.

No houſe of commons till now has given countenance to this dangerous opinion, which does ſo directly tend to the rendering ill miniſters ſafe from the examination of parliaments. And we are perſuaded no houſe of commons hereafter will aſſert ſuch a notion, becauſe they are not wont eaſily to part with a power they have aſſumed; and it is certain, that they have ſeveral times taken upon them to exerciſe an authority like that which they have ſo ſeverely reflected on in their addreſs.

This conſideration gave us the greater aſtoniſhment, to find our proceeding repreſented in the ſtrange terms of wreſting priſoners out of your majeſty's hands, and taking the examination of them ſolely to ourſelves. We believe, the ordering perſons to be examined in that high court, where your majeſty is always preſent in conſideration of law, and in that great council, where you may be preſent in your royal perſon as often as you pleaſe, will never be thought an excluſion of your majeſty from the examinations, if that was intended to be inſinuated, by ſaying, we had taken the examinations ſolely to ourſelves.

Having thus laid before your majeſty what it is we claim, and muſt inſiſt on, as the indiſputable right of the houſe of peers, which was never thought in the time of your royal anceſtors to be prejudicial to the juſt prerogatives of the crown, and which is manifeſtly neceſſary for the ſecuring the liberties of your people, whereof we are aſſured your majeſty will have an equal care; we humbly beg leave to lay before you a ſhort ſtate of the particular matter of fact relating to theſe priſoners, not doubting, but, when the whole proceeding is known to your majeſty, it will be approved, not only as lawful, but every way reſpectful to your majeſty.

On Tueſday the 14th of December, the houſe of lords was informed, that ſeveral perſons had been ſeized by the cuſtom-houſe officers on the coaſt of Suſſex, as they came from France; and that amongſt them there was one Boucher, who was capable of making conſiderable diſcoveries, having been in arms in the French ſervice for many years, and gentleman of the horſe and aid-de-camp to the late duke of Berwick, who ſtands attainted of high-treaſon, and who had been ſecretly in England ſeveral times before: That it was probable, if he was ſtrictly examined, he might be brought to confeſs, ſince he ſaw his life in apparent danger; but that he was a bold man, and likely to attempt an eſcape on that very account, if he was not carefully looked after. And the houſe was alſo told, that there was a general remiſſneſs both in the

Anne 1703-4. " but take notice with ſatisfaction of the aſſurance thei[r] " lordſhips gave her, that they would carefully avoid all acca-

the taking, ſearching, and look-ing to ſuch priſoners, which did afterwards appear very evident in the examinations that were taken. Upon this information the earl of Nottingham, your majeſty's principal ſecretary of ſtate, acquainted the houſe, that he had not heard of Boucher's name particularly, but had ſent meſſengers to bring one Ogilby, and the other priſoners who had been apprehended by the cuſ-tom-houſe officers, to town; and that he believed the meſſen-gers would do their duty, 'but 'he would not be anſwerable 'for them.'

After this account of the pri-ſoners, and of what had been done in order to ſecure them, the houſe thought themſelves obliged in duty to your majeſty, and for the public ſafety, at a time when the kingdom is en-gaged in an open war with France, and that there are too juſt grounds to apprehend the dangerous practices of French emiſſaries, to make an humble addreſs to your majeſty, that particular care might be taken for ſecuring the perſon of Bou-cher, and of thoſe who were taken with him; and that none might be ſuffered to ſpeak with them till they were examined.

The next day your majeſty's gracious anſwer to this addreſs was reported to the houſe, that care had been taken to ſecure the priſoners; and that your ma-jeſty would give orders, that no body ſhould ſpeak with them till they were examined. There-upon the lords entered upon a farther conſideration of the im-portance of this matter; and, conceiving nothing to be more likely to bring priſoners, who had forfeited their lives, to a full diſcovery of the truth, than to find themſelves under the in-quiry of a parliament, they thought it would be of public ſervice for them to take exami-nations of theſe perſons; and accordingly an order was made, that no perſons ſhould ſpeak with the priſoners, till they had appeared at the bar of the houſe.

On the 16th day, the earl of Nottingham informing the houſe of lords, that the priſoners were brought to town, the uſher of the black rod was ordered to take them into his cuſtody, in order to their examination, and to keep them ſeparate and in cloſe cuſtody, as your majeſty had before directed. And, it being thought moſt proper, from the nature of the thing, that the examination ſhould be by a com-mittee of lords, rather than by the whole houſe, it was reſolved accordingly.

We beg leave to mention to your majeſty a matter of fact, which ſatisfied the lords, that their reſolution to take the ex-aminations of Boucher, and the perſons apprehended with him, was neither unknown nor diſa-greeable to your majeſty.

On the ſame day when that was ordered, being the 15th of December, the lords reſolved to examine Sir John Maclean, a very dangerous perſon, as was re-

"occaſion of them. She thanked them for the concern they expreſſed for the rights of the crown and for her prerogative

Anne. 1703-4.

repreſented to the houſe, who then ſtood committed in the hands of a meſſenger: and for that purpoſe ordered him to be brought to the houſe the next day, having, as they then thought, very good grounds to believe it might prove of great ſervice to your majeſty. Sir John Macleane was brought to the houſe according to the order; but your majeſty being pleaſed ſo far to take notice of this order, as to ſignify to the houſe by the lord-ſteward, that Sir John Macleane had been in part examined already, and that your majeſty thought it not proper to have that buſineſs taken out of the way of examination it was then in, but that your majeſty would in a ſhort time communicate it to the houſe; the lords immediately acquieſced in your majeſty's opinion, and ſent back Sir John Macleane to the place from whence he was brought. It was with this diſpoſition of mind the lords acted in this whole matter; and, if your majeſty, who no doubt had the the ſame notice of both orders, had thought any other method of the examination of Boucher, and the perſons taken with him, more proper than of the lords, they had reaſon to conclude, your majeſty would have intimated it at the ſame time, and moſt certainly the houſe would have had a like deference for your royal judgment in that inſtance alſo.

The lords committees appointed to examine the the priſoners proceeded with all poſſible diſpatch, and made their report to the houſe on the 21ſt of December. Upon conſideration of the report, the houſe found it requiſite to commit Boucher to the priſon of Newgate for high treaſon; and the lords committees having ſubmitted to the judgment of the houſe, whether ſeveral parts of the examinations, referred to in their report, ſhould be laid open to the houſe, or put into any other way of being farther inquired into or proſecuted; the houſe, out of a full aſſurance they had, that, when the matter of fact ſhould be laid before your majeſty, you would certainly give ſuch orders thereupon, as were every way ſuitable to your royal prudence and tender care of the public ſafety, did unanimouſly reſolve, without ſo much as ſuffering thoſe parts of the report to be laid open to the houſe, that an humble addreſs ſhould be made from the houſe to your majeſty by the lord-ſteward and the duke of Somerſet (two of the lords committees, to whom the examination had been referred) laying before your majeſty the whole report, with all matters relating thereto, and humbly deſiring your majeſty to give orders, that Boucher ſhould be proſecuted by Mr. Attorney-general for high-treaſon; and that, as to the commitment, proſecution, or diſcharge of the other priſoners, mentioned in the report, you would be pleaſed to give ſuch

Anne. 1703-4. "rogative, which ſhe ſhould never exert ſo willingly, as "for the good of her ſubjects, and the protection of their "liberties."

ſuch directions, as ſhould ſeem moſt proper to your royal wiſdom. Thus as the whole affair was entered upon out of zeal for your majeſty's preſervation, and the ſafety of the kingdom, and was carried on and concluded with all poſſible reſpect to you; ſo we had the comfort to reſt aſſured, that our behaviour was no leſs graciouſly accepted by your majeſty, from the anſwer you were pleaſed to make the ſame day to our laſt addreſs on this ſubject, and which was reported to us, on the 22d of December, by the duke of Somerſet, whereby your majeſty was pleaſed to ſignify to the houſe with your accuſtomed goodneſs, that you would give order for every thing, as the lords had deſired.

Madam, This is a true and juſt account of our proceedings, which have been ſo ſtrangely miſrepreſented, and to which no exception can poſſibly be taken by any perſons rightly informed. For, as we had your royal approbation of all that was done, ſo the houſe of commons could have had no pretence of objection, if they had taken the uſual parliamentary methods of deſiring to be informed of what we had done, and of the grounds of our proceedings, before they had approached your majeſty with ſuch a repreſentation of them.

Their carrying this unprecedented addreſs to your majeſty, in ſo haſty a manner, gives us almoſt as great trouble as the hard uſage we find by it.

The ancient, known, and indeed only effectual method of preſerving a good correſpondence between the two houſes of parliament, has been by conferences. If at any time either houſe conceived they had a reaſonable ground to object againſt the proceedings of the other, conferences have been deſired, and the matter in debate between them fairly diſcuſſed, and thereby miſtakes have been cleared for the moſt part, and a good underſtanding cultivated, and a mutual reſpect preſerved, which is always highly requiſite in the nature of our conſtitution, but more eſpecially in this time of war and danger.

Had the houſe of commons thought fit to have purſued this method upon this occaſion, we ſhould have been able to have given them intire ſatisfaction, not only of the lawfulneſs of all we had done, but of the juſt and weighty grounds, upon which we took the examinations of theſe perſons into our own hands; or, at leaſt, if they could have convinced us of any miſtake, we ſhould have given them any reaſonable ſatisfaction.

But, without making any ſuch previous ſtep, the houſe of commons have made an appeal directly to the throne againſt the houſe of lords, and charged them, though moſt unjuſtly, with attempts of the higheſt nature. Nothing like this we have

Boucher, when he was examined, would confeſs nothing; he ſaid, he was weary of living ſo long out of his country; Anne. 1703-4.

and

ever done before; and, out of our hearty concern for the preſervation of our happy conſtitution, we hope the ſame thing will never be done again. We know your royal heart is unmoveably fixed on preſerving the liberties of your people, and tranſmitting them intire to poſterity. But if in after times the houſes of parliament ſhould be appealing againſt one another to the crown (for, if ſuch a courſe be juſtifiable in the houſe of commons, the ſame method may be taken by the lords) as your majeſty is now ſenſible, how great difficulties it neceſſarily brings upon a good prince: ſo it is eaſy to foreſee (and we cannot think of it without terror) how fatal the conſequences may be in the reign of an ill-deſigning prince, and what advantages may be taken from it for utterly ſubverting the beſt ordered form of government in the world. There are examples abroad, where proceedings of this kind have ended in the overthrow of the liberties of the people, which makes us the more apprehend the beginning of them among ourſelves. Your majeſty's great judgment cannot but readily diſcern, whither it does naturally tend for one houſe of parliament to be exciting and earneſtly deſiring the ſovereign to exert a real or ſuppoſed prerogative againſt the other houſe. It is not eaſy to imagine, what the commons could expect of your majeſty from ſuch an application. The lords have never entertained a thought of uſing this dangerous method, whatever occaſions may have been given within the compaſs of late years. And we promiſe your majeſty, we will always endeavour to preſerve a good underſtanding with the houſe of commons, and ſhall never think it too dear to procure that union at any rate, unleſs that of delivering up thoſe rights and powers, which are lodged in us by the law, and without which the conſtitution cannot ſubſiſt.

We ſhall never be guilty of the preſumption of preſcribing to your majeſty, when or againſt whom, you ſhould exert your prerogative; but we will be always ready to aſſiſt you in the ſupport of all the juſt rights of the crown, as well as in the maintaining the liberties of the ſubject, which we know are no leſs dear to your majeſty.

It may with modeſty and truth be affirmed, that the lords have in all times been the ſureſt and moſt natural bulwark of the prerogatives of the crown, they being (as your royal grandfather, of ever bleſſed memory, was pleaſed to expreſs it) an excellent ſcreen and bank between the prince and the people, to aſſiſt each againſt any incroachment of the other.

We will never contribute, by any act of ours, to the diminution of the rights of the crown, nor, as far as we are able, will ſuffer it in others. We cannot act otherwiſe, without hurting ourſelves in the higheſt degree, being

Anne. 1703-4. and that, having made ſome attempt to obtain a paſs, which that was denied him, he choſe rather than to live always abroad, to come and caſt himſelf upon the queen's mercy; it did not ſeem reaſonable to believe this; ſo the lords made an addreſs to the queen, that he might have no hopes of par-

being thoroughly convinced, that the preſervation of the legal prerogative is not only the ſureſt way to ſecure our own privileges, but of abſolute neceſſity for the happy and rightful adminiſtration of the government. And we hope, the houſe of commons will, in all times to come, ſpeak and act with that regard to the prerogative, which they ſeem to have taken up lately.

There remains one particular more, which we will only name to your majeſty, becauſe we reſt ſatisfied, it cannot have any weight here, that is, the inſinuation in the addreſs, as if the examination of theſe priſoners by the lords was in order to obſtruct the inquiry into the deſigns againſt your majeſty's perſon and government; or, at leaſt, that it was likely to produce ſuch an effect. Our dutiful zeal for your majeſty's government, and our warm concern to diſcover all deſigns, and oppoſe all practices againſt it, are too well known to the world, that any ſuggeſtions of that ſort ſhould make the leaſt impreſſion to our diſadvantage; and, we are very ſure, it was no ſuſpicion of that nature, which gave the true riſe to this very ſharp addreſs. It is eaſy to determine, whether a hearty and forward undertaking to ſearch into the deſigns of your enemies, and the ſeeking occaſions to object to and interrupt ſuch endeavours, be moſt *likely to obſtruct the diſcovery of the pernicious practices of traitors.*

Moſt gracious ſovereign,

We moſt humbly aſk pardon for preſuming to give your majeſty the trouble of this long repreſentation, which has proceeded from the paſſionate concern we have to ſtand, not only acquitted, but intirely approved in the judgment of ſo excellent a queen, and ſo juſtly beloved of all her ſubjects.

We depend upon your juſtice, as well as your goodneſs, that nothing can do us prejudice, from whatſoever hand it comes, in your royal opinion, while we continue to act in that ſtation, where we are placed by the form of the Engliſh government, according to the laws and cuſtoms of parliament, with all imaginable reſpect and duty to yourſelf, and all poſſible zeal for the ſafety and happineſs of your kingdom.

Give us leave to conclude this our humble addreſs with this firm promiſe, that no danger, no reproaches, nor any artifices whatſoever, ſhall deter or divert us from uſing our utmoſt endeavours from time to time in diſcovering and oppoſing all contrivances and attempts, againſt your royal perſon and government, and the Proteſtant ſucceſſion, as by law eſtabliſhed."

By this memorial it manifeſtly appeared, that the duke of Athol, though one of the principal perſons ſuſpected, had either

Anne. 1703-4.

the accomplices of captain Frazer were to direct the letters from hence to him beyond ſea, and how Frazer directed his letters to his correſpondents here: Upon which ſeveral pacquets of letters were intercepted, which diſcovered Frazer's correſpondence, particularly Colin Campbel, Mr. Keith, John Murray, and captain Macleod, an officer in the guards in Scotland. That, it appeared, that one Corbouſien, a merchant in London, had given a bill of one hundred and fifty guineas to captain Frazer, and that Frazer had written to the duke of Queenſberry, under cover, to Colin Campbel; and that there was alſo a letter intercepted from Frazer to the earl of Leven. That, on the 6th of December Mr. Keith acquainted his grace, that, the firſt time he met captain Frazer in London, 'he deſired him to 'try if the duke of Athol would 'pardon the injury he had done 'his family, he being penitent,' as he pretended. That, his grace having inquired of Keith, why he did not acquaint his grace with it ſooner, he anſwered, 'That he knew it would 'be to no purpoſe for him to 'undertake ſuch a meſſage from 'captain Frazer, whoſe deſign 'he believed was to trepan his 'grace.' And that Mr. Keith acquainted the earls of Seafield and Nottingham with what he had told his grace. That, by the means of Colin Campbel and Mr. Clarke, were found ſeveral papers belonging to Frazer, and left by him before he went from London, particularly a commiſſion for his being a colonel, ſigned by the pretended king James. That, by the declarations of Colin Campbel and Sir John Macleane, and others, and by Frazer's letters, it appears, that, beſides the deſign of an invaſion, there was another wicked contrivance, to bring ſeveral of her majeſty's good ſubjects and ſervants into a plot, in order to ruin them and their families. Wherefore his grace humbly begged her majeſty would be pleaſed to order the duke of Queenſberry to give his reaſons; 1. Why he met with, employed, and gave two hundred guineas to captain Frazer in Scotland, with whom, as being an intercommuned rebel, it was treaſon, by the law of that kingdom, to converſe: 2. How the duke of Queenſberry came to give a paſs or protection to a rebel, whoſe buſineſs in the Highlands of Scotland was to tempt her majeſty's ſubjects into a rebellion. 3. For what purpoſe the duke of Queenſberry ſent captain Frazer, and three perſons with him, ſo carefully and privately to France, and what ſervices he expected her majeſty would reap by their going thither, ſince it appeared by the letters and declarations, that Frazer's main deſign was to engage the French king to proſecute his deſign of an invaſion." In a ſubſequent addition to this memorial, the duke of Athol obſerved, in his own vindication,

Anne. 1703-4. ther the peruſal or information from the ſecretary of ſtate, of the contents of the letters, declarations and examinations relating to the Scots conſpiracy, before they were communicated to the houſe of lords; a convincing circumſtance, that the accuſed were more countenanced than the accuſers: ſo that it was no difficult matter for them to put a ſlur upon the plot. There were two other circumſtances which ſeemed to reflect on the earl of Nottingham; his giving ear to the information of Ferguſon, whom the ſuſpected perſons made uſe of, to clear them of the treaſon they were in danger of being charged with; and his diſcharging an officer in king James's army, who had been ſeized by the governor of Berwick. This being complained of in the houſe of commons, a long debate enſued, which ended at laſt in a reſolve, "That the earl of Nottingham, one of her "majeſty's principal ſecretaries of ſtate, for his great ability "and diligence in the execution of his office, for his unque-"ſtionable fidelity to the queen and her government, and "for his ſteady adhering to the Church of England, as by "law eſtabliſhed, had highly merited the truſt her majeſty "had repoſed in him." The commons, at the ſame time, ordered, that the ſpeaker ſhould lay this reſolution before her majeſty, when the ſaid addreſs ſhould be preſented to her: Which being done accordingly, the queen was pleaſed to ſay,

Dec. 17.

dication, Firſt, "That he ſaw by Frazer's letters, and the declarations of Colin Campbel of Glenderoul, and captain Macleod, and by what a lord had publicly ſaid, that there had been a deſign to accuſe his grace, and ſeveral others, of correſponding with St. Germain's." Secondly, "That the ſaid declarations were made by thoſe, who were guilty of correſponding with Frazer, and who were employed by the duke of Queenſberry in his ſecret affairs with him." Thirdly, "That what theſe perſons alledged was only upon a hear-ſay from Frazer, viz. that his grace deſigned to ſend Glengary and captain James Murray to St. Germain's, neither of which two perſons his grace ever ſpoke to. Concluding, that his grace, as well as the duke of Hamilton, were mentioned by Sir John Macleane, the laſt perſon, who came over from St. Germain's, and ſaid, he had inſtructions to ſound or try both their graces: But that this was rather a vindication; for ſince they were to be ſounded, they were not engaged, or had correſpondence there. By all which the world might judge of the reſt of the malicious calumnies of his grace's enemies, and how eaſy a matter it would be for his grace to refute them, when public, eſpecially the inconſiſtent ſtory of a letter ſaid to have been ſent from St. Germain's to his grace."

"That

" That she was glad to find they were well satisfied with the " earl of Nottingham, who was trusted by her in so con- " siderable a post." Anne. 1703-4.

The examinations of the prisoners being also sent to the house of commons, they heard them read, but passed no judgment upon them, nor did they offer any advice to the queen upon this occasion; they only sent them back to the queen, with thanks for communicating them, and for her wisdom and care of the nation: It was thought strange, to see a business of this nature treated so slightly, by a body that had looked, in former times, more carefully to things of this kind; especially, since it had appeared, in many instances, how dexterous the French were in raising distractions in their enemy's country: It was evident, that a negotiation was begun, and had been now carried on for some time, for an army that was to be sent from France to Scotland; upon this, which was the main of the discovery, it was very amazing to see, that the commons neither offered the queen any advice, nor gave her a vote of credit, for any extraordinary expence, in which the progress of that matter might engage her; a credit so given might have had a great effect, towards defeating the design, when it appeared how well the queen was furnished to resist it: This coldness, in the house of commons, gave great and just ground of suspicion, that those who had the chief credit there, did not act heartily, in order to the defeating all such plots, but were willing to let them go on, without check or opposition. But the lords, on the day appointed, resolved to take the plot into consideration, and examine the whole matter fully. They began with reading the papers laid before them, the most material of which was drawn up by the earl of Nottingham; intitled, 'An account 'of the conspiracy in Scotland.' It was an abstract of all the examinations the council had taken (b). Some took great excep-

(b) This paper more at large was: " That the earl of Nottingham had information of some designs of an insurrection in Scotland, to be supported with money, arms, and men from France, with which he acquainted the queen, who, having received the like informations from the duke of Queensberry, commanded him to communicate these matters to his grace, that, by comparing them together, her majesty might the better judge of them. This the earl did, and the duke said, that the accounts, which he had read, were much of the same kind; and added, that his informer was come from France, but his name he was obliged to conceal, and was so forward and

Anne. 1703-4. exceptions at it, as drawn on deſign to make the affair appear more inconſiderable than they believed it to be. The ſubſtance

zealous in doing ſervice to her majeſty, that he was willing to go again into France, and to ſend from time to time, or even to bring intelligence of the further progreſs of the French deſigns, with which he was ſure he ſhould be truſted, as he had been formerly. That his grace ſaid, he accordingly deſigned to ſend him; which the earl of Nottingham approved, and acquainted the queen with this converſation with the duke of Queenſberry. That, on the 10th of November 1703, the earl of Nottingham had an account, that Sir John Macleane, with others, were in cuſtody at Folkſtone, as coming out of France without leave; and that the ſame day he received a letter, as did alſo the earl of Cromarty, from Sir John Macleane, intimating, that at his landing he had ſurrendered himſelf, and deſired he might be brought before the earl, to give an account of his coming. That Sir John being accordingly ſent for in cuſtody, and examined, he ſaid, 'That he had long deſired to 'come home, and had often 'aſked leave by his friends, 'without ſucceſs; but now, 'hearing of the indemnity 'granted by the queen to her 'Scottiſh ſubjects, he gladly 'laid hold of it, being weary 'of the hardſhips he endured in 'France, where he could not 'ſubſiſt with his allowance. 'That he never had any poſt, 'either in court or army, and 'he reſolved to live quiet at 'home, in hopes of ſome favour 'from her majeſty, in conſide-'ration of the ſufferings of his 'family for their loyalty.' But being told, that, though this was a very ſpecious repreſentation of his caſe, yet it was impoſſible to believe, that this was all, or the true deſign of his coming, ſince he had delayed coming many months after he knew of the indemnity; Sir John Macleane, upon this, pretended ſickneſs, and that he now came in ſo much haſte, that he brought his wife, who had lain in but eleven days; adding, 'that an Engliſh fiſher-boat had 'been diſcharged by order of 'the court of France (a thing 'never done before) without 'ranſom or exchange, on purpoſe to bring him to England.' That this increaſing the earl's ſuſpicion, Sir John Macleane was told, that however indemnified he might be in Scotland, he was ſtill liable to the act of parliament in England, which made it treaſon to come hither from France. And that he muſt expect the rigour of the law, being ſo juſtly, from the above-mentioned circumſtances, to be ſuſpected of ill deſigns. That thereupon he ſaid, 'He would 'tell the earl all he knew, upon 'aſſurance of his pardon, and 'being treated like a gentlemen, 'ſo as not to be required to appear in public, as an evidence 'againſt any perſon;' of which, by the queen's orders, he being aſſured, he then told the earl of Nottingham, 'That, in July, '1702,

ſance of the whole was, that there went many meſſages between the courts of St. Germain's and Verſailles, with relation

Anne. 1703-4.

'1702, the lord Lovat came to 'France, and told Sir John 'Maclcane, that he had matters 'of great importance to com- 'municate to the queen at St. 'Germain's, but required a pro- 'miſe from her, not to reveal 'any thing of what he ſhould 'ſay to any of her miniſters. 'That, this being granted, Sir 'John Maclcane carried him to 'the queen, as he did after- 'wards by her direction, to 'monſieur Torcy, to whom, as 'before to the queen, he ſaid, 'that he was come from the 'Highlands of Scotland, where 'he had diſcourſed with many 'heads of clans, particularly 'Stewart of Apin, Sir Ewin Ca- 'meron, Sir Daniel Macdonal, 'and others, from whom he 'brought aſſurances; that they 'would riſe in arms with ten 'thouſand men, if they were 'aſſiſted from France with mo- 'ney, arms, and troops to ſup- 'port them: That monſieur 'Torcy, after communicating 'this to the French king, aſſu- 'red him, that his matter would 'furniſh them with money and 'arms, and alſo men, ſo ſoon 'as his affairs would admit of 'the laſt. And the number 'agreed on was five thouſand, 'which were to be tranſported 'from Dunkirk, and landed at 'Dundee; from whence the 'march was ſhort and eaſy to 'the foot of the Highlands; to 'which, if need were, they 'might retreat, and, in the 'mean time, make a ſtand, and 'oppoſe any of the queen's 'forces, that might be ſent 'againſt them, and give time to 'the Highland clans to aſſem- 'ble and come to them, and 'form and increaſe the army, to 'be ſuperior to all the queen's 'forces in Scotland. That, to 'facilitate this deſign, five hun- 'dred men were to be ſent from 'Breſt, to ſeize the fort of Inver- 'lochy, which could not reſiſt 'cannon, being commanded by 'hills near it; and that this 'would give ſecurity to ſhips 'coming into the river, and be 'a means to convey ſupplies of 'all kinds, as there ſhould be 'occaſion. That the execution 'of this project was delayed, 'partly becauſe the French king 'could not ſpare his troops, 'partly becauſe his fleet was not 'in a condition to oppoſe the 'Engliſh; partly becauſe he did 'not intirely rely on the lord 'Lovat's information and aſſu- 'rances; and partly, that he 'might ſee the event of the 'Scottiſh parliament, by which 'he might judge of the diſpoſi- 'tion of the Scots, as well as by 'ſome further enquiry, which 'he intended to make. That 'therefore Lovat was ſent back 'in May laſt, with captain 'Frazer and captain John Mur- 'ray, who had long been in the 'French ſervice, with orders to 'come back, as ſoon as the 'Scots parliament was ended, 'with an account of the inclina- 'tions of the people, and what 'numbers might be relied upon 'to join with the French. That, 'beſides theſe, one James Mur-

Anne. 1703-4. tion to the affairs of Scotland; the court of Verſailles was willing to ſend an army to Scotland, but they deſired to be well aſſured of the aſſiſtance they might expect there, in order to which, ſome were ſent over, according to what France had told the duke of Queenſberry; ſome of the papers were writ in gibberiſh, ſo the lords moved, that a reward ſhould be offered, to any who ſhould decypher theſe. When the lords aſked the earl of Nottingham, if every thing was laid before him, he anſwered, That there was only one particular kept from them; becauſe they were in hopes of a

'ray was alſo ſent to Scotland, 'with orders to ſpeak with duke 'Hamilton (to whom one Bell 'was ſent before with like di'rections, and died in Holland) 'and to ingage him in the 'intereſt of France, for the ſup'port of the prince of Wales. 'That there had been other 'meſſages ſent to him, but the 'queen told Sir John Macleane, 'ſhe had no anſwer, and there'fore ordered Sir John to ſound 'his grace, and, if he found 'him diſpoſed to her ſervice, 'then, and not otherwiſe, to 'communicate to him this pro'ject; which he was alſo to do 'to the duke of Athol and earl 'Mareſchal. And that Stephen'ſon, a banker, formerly ſent 'to duke Hamilton, was, at his 'return, put into the Baſtile; 'which was thought to be occa'ſioned by the duke's not truſt'ing him, and to prevent a diſ'covery, there being ſo many 'factions at St. Germain's, that 'nothing was kept a ſecret.' That afterwards, upon a further examination, Sir John Macleane recollected the names of the perſons, and the men they could bring into the field, which Lovat, alias Frazer, reckoned upon, when he gave account to the court of France of the Scots readineſs to riſe, if the French would ſupport them. That, the queen having commanded the earl of Nottingham to acquaint the duke of Queenſberry with what Sir John Macleane had diſcovered, his grace thereupon told the earl, that this Frazer was the perſon, who diſcloſed to him ſome matters of this nature, with which he had acquainted the queen, but that he had not told her majeſty his name, being under a ſolemn engagement to conceal it. That this Frazer was brought to him by the late duke of Argyle and the earl of Leven, who were privy to all his proceedings with them. That Frazer was gone to France, and had promiſed to ſend an account of all the French deſigns, and would come back, whenever any thing of moment happened, or that his grace ſhould require him. Whereupon the duke of Queenſberry was deſired to call him back, for he was more likely to do harm than good, by an intelligence, that could be expected from ſo ill a man."

This account contained, in the next place, the duke of Athol's proceedings with the earl of Nottingham, with the ſubſtance of Campbel's, Clarke's, Keith's, and Ferguſon's examinations.'

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Anne. 1703-4.

diſcovery, that was like to be of more conſequence than all the reſt: So, after the delay of a few days, to ſee the iſſue of it, which was Keith's endeavours to perſuade his uncle (who knew every ſtep that had been made, in the whole progreſs of this affair) to come in and diſcover it, when they were told there was no more hope of that, the lords ordered the committee, which had examined Boucher, to examine into all theſe diſcoveries. Upon this the commons, who expreſſed a great uneaſineſs at every ſtep the lords made in that matter, went with a new addreſs to the queen, inſiſting on their former complaints, againſt the proceedings of the lords, as a wreſting the matter out of the queen's hands, and the taking it wholly into their own; and they prayed the queen to reſume her prerogative, thus violated by the lords, whoſe proceedings they affirmed to be without a precedent.

The ſeven lords went on with their examinations, and, after ſome days, they made a report to the houſe; Maclean's confeſſion was the main thing; it was full and particular; he named the perſons that ſate in the council at St. Germain's; he ſaid, the command was offered to the duke of Berwick, which he declined to accept, till trial was made whether duke Hamilton would accept of it, who, he thought, was the proper perſon; he told likewiſe, what directions had been ſent to hinder the ſettling the ſucceſſion in Scotland; none of which particulars were in the paper, that the earl of Nottingham had brought to the houſe of his confeſſion. It was further obſerved, that all the reſt, whoſe examinations amounted to little, were obliged to write their own confeſſions, or, at leaſt, to ſign them: But Maclean had not done this; for, after he had delivered his confeſſion by word of mouth to the earl of Nottingham, that lord wrote it all from his report, and read it to him the next day; upon which he acknowledged it contained a full account of all he had ſaid. Maclean's diſcovery to the lords was a clear ſeries of all the counſels and meſſages, and it gave a full view of the debates and opinions in the council at St. Germain's, all which was omitted in that, which was taken by the earl of Nottingham, and his paper concerning it was both ſhort and dark; there was an appearance of truth in all that Maclean told, and a regular proceſs was ſet forth in it.

Upon theſe obſervations, thoſe lords, who were not ſatisfied with the earl of Nottingham's paper, intended to have paſſed a cenſure upon it, as imperfect. It was ſaid, in the debate that followed this motion, either Maclean was aſked, who was to command the army to be ſent into Scotland, or

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Anne. 1703-4. he was not. If he was aſked the queſtion, and had anſwered it, then the earl of Nottingham had not ſerved the queen, or uſed the parliament well, ſince he had not put it in the paper. If it was not aſked, here was great remiſſneſs in a miniſter, when it was confeſſed, that the ſending over an army was in conſultation, not to aſk who was to command the army. Upon this occaſion, the earl of Torrington made ſome reflections, which had too deep a venom in them. He ſaid, That the earl of Nottingham did prove, that he had often read over the paper, in which he had ſet down Maclean's confeſſion, in his hearing, and had aſked him, if all he had confeſſed to him was not fully ſet down in that paper; to which he always anſwered, That every thing he ſaid was contained in it. Upon this the earl obſerved, that Sir John Maclean having, perhaps, told his whole ſtory to the earl of Nottingham, and finding afterwards, that he had writ ſuch a defective account of it, he had reaſon to conclude, (for he believed, had he been in his condition, he ſhould have concluded ſo himſelf) that the earl of Nottingham had no mind, that he ſhould mention any thing, but what he had writ down, and that he deſired, that the reſt might be ſuppreſſed. That he could not judge of others but by himſelf: If his life had been in danger, and if he were interrogated by a miniſter of ſtate, who could do him either much good or much hurt, and if he had made a full diſcovery to him, but had obſerved, that this miniſter, in taking his confeſſion in writing, had omitted many things, he ſhould have underſtood that as an intimation, that he was to ſpeak of theſe things no more; and ſo he believed he ſhould have ſaid it was all, though, at the ſame time, he knew it was not all that he had ſaid. It was thereupon moved, That Sir John Maclean might be ſent for and interrogated, but the party was not ſtrong enough to carry any thing of that kind; and by a previous vote, it was carried by a majority of eleven voices, to put no queſtion concerning the earl of Nottingham's papers (c).

(c) On the 24th of March, the Lords, after ſome debate, came to a reſolution, "That, Sir John Macleane having made an ingenuous confeſſion to the Lords committees, her majeſty ſhould be addreſſed to give him as full and compleat a pardon, as may conſiſt with the ſafety of her majeſty and the people, and to provide for his ſubſiſtence." And then the order of the lords, for the cloſe confinement of Sir John Macleane in the Tower of London, was diſcharged. Upon this recommendation, Sir John Macleane received a conſiderable penſion from the crown, though,

The lords were highly offended with Ferguſon's papers, and paſſed a ſevere vote againſt thoſe lords who had received ſuch ſcandalous papers, and had not ordered him to be proſecuted, which they directed the attorney-general to do. But Ferguſon never received the leaſt puniſhment. Anne. 1703-4.

It was apparent, that there was a train of dangerous negotiations, that paſſed between Scotland and St. Germain's, though the lords could not penetrate to the bottom of them. And the deſign of Keith's bringing in his uncle, who knew every ſtep, that had been made, and the whole progreſs of the affair, to diſcover the whole ſcheme of it, was managed ſo remiſsly, that it was generally concluded, that it was not in earneſt deſired it ſhould ſucceed. During the debates, one very extraordinary thing happened; the earl of Nottingham aſſirmed, upon three or four occaſions, that ſome things had been ordered in the cabinet-council, which the dukes of Somerſet and Devonſhire, who were likewiſe of that council, did not agree with him in. After all theſe examinations and debates, the lords concluded the whole matter with voting, That there had been dangerous plots between ſome in Scotland and the courts of France and St. Germain's; and that the encouragement of this plotting came from the not ſettling the ſucceſſion to the crown of Scotland in the houſe of Hanover. Theſe votes they laid before the queen in an addreſs, and promiſed, when the ſucceſſion was thus ſettled, they would endeavour to promote the union of the two kingdoms, upon juſt and reaſonable terms. To their addreſs the queen anſwered, "That ſhe had ſome time ſince declared her intentions, of endeavouring the ſettlement of the Proteſtant ſucceſſion in Scotland, to her ſervants of that kingdom, as the moſt effectual means for ſecuring their quiet and our own, and the readieſt way to the intire union betwixt both kingdoms, in the perfecting of which, it was very deſirable no time ſhould be loſt."

The lords, after this concluſion of the affair, made a long and vigorous addreſs, or ſecond repreſentation in anſwer to that which the commons had made againſt them; wherein they obſerved, how uneaſy the commons had been at the whole progreſs of their inquiry into the Scots conſpiracy, and had taken methods to obſtruct it all they could; which did not ſhew that zeal for the queen's ſafety, and the preſer- March 31.

though, in his heart, in the queen's time, and openly after her death, he continued in the intereſt of the Pretender, and died in the rebellion againſt king George I. in 1715.

vation

Anne. 1703-4.

vation of the nation, to which all men pretended. They annexed to this addreſs a liſt of many precedents, to ſhew what good warrants they had for every ſtep they had made; that they had not taken the examination to themſelves to exclude others, who had the ſame right, and might have done it as well as they, if they had pleaſed; and that their proceeding had been regular and parliamentary, as well as full of zeal and duty to the queen. They made ſome obſervations on ſome of the proceedings in the houſe of commons, particularly on their not ordering writs to be iſſued out for ſome boroughs to proceed to new elections, when they, under pretence of corruption, had voted an election void, which had been practiſed of late, when it was viſible, that the election would not fall on the perſon they favoured. They charged this as a denial of juſtice, and of the right, that ſuch boroughs had to be repreſented in parliament, and as an arbitrary and illegal way of proceeding. This addreſs was drawn with great force and beauty by the lord Sommers, who likewiſe penned the other addreſſes, which made a great impreſſion on the body of the nation; for the difference, that was between theſe addreſſes, and thoſe publiſhed by the commons, was ſo viſible, that it did not admit of any compariſon, and was confeſſed even by thoſe, who were the moſt partial to the commons. In anſwer to this laſt addreſs, the queen ſaid, "That ſhe hoped none of her ſubjects had any deſire "to leſſen the prerogative, ſince ſhe had no thoughts of ma- "king uſe of it, but for their protection and advantage. "And that ſhe looked upon it as a great misfortune, when "any miſunderſtanding happened between both houſes of "parliament, which could not be without ſo much prejudice "to the public, that ſhe ſhould never omit any thing in her "power to prevent the occaſions of them."

Burnet.

The caſe of Aſhby and White. Burnet. Pr. H. II. III. 308. Pr. H. L. H. 57.

Theſe differences between the two houſes were ſtill heightened by the lords interpoſing in an affair, the cognizance of which the commons pretended to belong ſolely to themſelves. There had been great complaints long made, and theſe had increaſed within a few years, of great partiality and injuſtice in the election of parliament-men, both by ſheriffs in counties, and by the returning officers in boroughs. In Aylesbury in Buckinghamſhire the return was made by four conſtables; and it was believed, that they had made a bargain with ſome of the candidates, and then managed the matter ſo, as to be ſure, that the majority ſhould be for the perſon, to whom they had engaged themſelves. They canvaſſed about the town, to know how the voters were ſet, and they

they reſolved to find ſome pretence for diſabling thoſe, who were engaged to vote for other perſons than their friends, that they might be ſure to have the majority in their own hand. Anne. 1703-4.

And, when theſe matters came to be examined by the houſe of commons, they gave the election always for him, who was reckoned of the party of the majority, in a manner ſo barefaced, that they were ſcarce out of countenance, when they were charged for injuſtice in judging elections. It was not eaſy to find a remedy againſt ſuch a crying abuſe, of which all ſides in their turns, as they happened to be depreſſed, had made great complaints; but, when they came to be the majority, ſeemed to forget all, that they had before exclaimed againſt. Some few excuſed this on the topic of retaliation, alledging, that they dealt with others as they dealt with them or their friends. At laſt an action was brought againſt William White, and the other conſtables of Ayleſbury, by one Matthew Aſhby, who had been always admitted to vote in former elections, but was denied it in the laſt election. This action was tried at the aſſizes, and it was found there by the jury, that the conſtables had denied him a right, of which he was undoubtedly in poſſeſſion, ſo that they were caſt with damages. But it was moved in the Queen's Bench to quaſh all the proceedings in that matter, ſince no action did lie, or ever had been brought upon that account. The judges Powel, Gould, and Powis, were of opinion, that no hurt was done to Aſhby; that the judging of elections belonged to the houſe of commons: That, as this action was the firſt of its kind, ſo, if it was allowed, it would occaſion an infinite number of ſuits, and put all the officers, concerned in that matter, under great difficulties. Chief juſtice Holt alone differed from the reſt. He thought this a matter of the greateſt importance, both to the whole nation in general, and to every man in his own particular. He made a great difference between an election of a member, and a right to vote in it. That the houſe of commons were the only judges of the former, whether it was rightly managed or not, without bribery, fraud, or violence; but the right of voting in an election was an original right founded either on a freehold of forty ſhillings a year in the county, or on burgage-land, or preſcription, or by charter, in a borough. Theſe were all legal titles, and, as ſuch, were triable in a court of law. Acts of parliament were made concerning them, and, by reaſon of theſe, every thing relating to thoſe acts was triable in a court of law. He ſpoke long and learnedly, and with

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Anne. 1703-4.

ſome vehemence, upon the ſubject; but he was one againſt three, and therefore the order of the Queen's Bench was given in favour of the conſtables. The matter was upon that brought before the houſe of lords by a writ of error. The caſe was very fully argued at the bar, and the judges were ordered to deliver their opinion upon it, which they did very copiouſly. Chief juſtice Trevor inſiſted much on the antiquity, that the houſe of commons had to judge of all thoſe elections. From that he inferred, that the commons only could judge, who were the electors. Petitions were often grounded on this, that in a poll ſome were admitted to a vote, who had no right to it, and that others were denied it, who had a right; ſo that in ſome caſes the commons were the proper judges of this right, and, if they had it in ſome caſes, they muſt have it in all. From this he inferred, that every thing relating to this matter was triable by them, and by them only. If two independent juriſdictions might have the ſame cauſe brought before them, they might give contrary judgments in it; and this muſt breed great diſtraction in the execution of thoſe judgments.

To all this it was anſwered, that a ſingle man, who was wronged in this matter, had no other remedy but by bringing it into a court of law; for the houſe of commons could not examine the right of every voter: If the man, for whom he would have voted, was returned, he could not be heard to complain to the houſe of commons, though in his own particular he was denied a vote, ſince he could not make any exceptions to the return, and therefore muſt bear his wrong without a remedy, if he could not bring it into a court of law. A right of voting in an election was the greateſt of all the rights of an Engliſhman, ſince by that he was repreſented in parliament. The houſe of commons could give no relief to a man wronged in this point, nor any damages; they could only ſet aside one, and admit of another return. But this was no redreſs to him, who ſuffered the wrong; it made him the leſs conſidered in his borough, and that might be a real damage to him in his trade. Since this was a right intereſt in a man, it ſeemed reaſonable, that it ſhould be brought, where all other rights were tried, into a court of law. The abuſe was new, and was daily growing, and it was already riſen to a great height. When new diſorders happen, new actions muſt lie, otherwiſe there is a failure in juſtice, which all laws abhor. Practices of this ſort were enormous and crying; and if the rule made in the Queen's Bench was allowed, it would very much increaſe theſe diſ-

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compaſſed with moraſſes and ditches full of water; fortified with ſeveral works; defended by brigadier Berkoffer with ſix battalions and five hundred men, detached from the garriſon of Doway; and by the regiment of Schellart, conſiſting of three ſquadrons of cuiraſſiers, of the elector Palatine's troops. Theſe difficulties obliged Villars to deſire the marquiſs de Monteſquiou to take upon him the care of the ſiege. On the 25 day of July, (Villars being returned to the ſiege) the town ſurrendered, and the garriſon, to the number of five thouſand, were made priſoners of war, and conducted to Valenciennes. The loſs of this poſt was of very bad conſequence to the allies; for they had there a general magazine of all ſorts of artillery, ammunition, and proviſions, deſigned for the further operations of the campaign. On the other hand, the advantage the enemy obtained by forcing the intrenchments of Denain, and by the taking of Marchiennes, were ſo conſiderable, that the French king wrote an account of it to the archbiſhop of Paris (p). After this, Doway was in-

Anne. 1712.

Doway inveſted. Aug. 12.

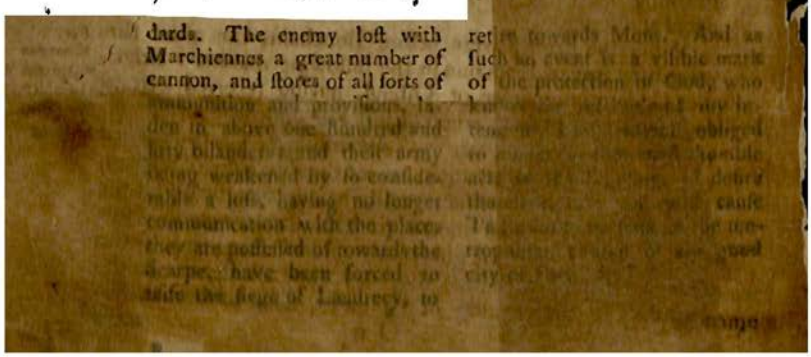
(p) The letter was as follows:

Couſin,

The ſteps I have taken to effect a general peace, and the ſuſpenſion which I have agreed on with the queen of England, have not availed to determine the other allies to enter into the ſame ſentiments. On the contrary, they formed a deſign to puſh on their cinquefts, and beſiege Landrecy. The importance of that place (the taking of which would have opened to the enemy an entrance into my kingdom) determined me to give my orders to the marſhals de Villars, and de Monteſquiou (who command my army in Flanders) to attack and fight the enemy, to oblige them to raiſe the ſiege. They have acted with ſo much conduct and prudence, and the ſucceſs has been ſo happy, that the camp, which was poſſeſſed by the enemy at Denain (notwithſtanding the ſtrength of its intrenchments) was forced and defeated with the intire loſs of ſeventeen battalions which defended it, and of a convoy of above five hundred waggons, who were at the ſame time on the march towards the camp before Landrecy. The defeat of thoſe troops incamped at Denain was followed by the taking of the poſt of Marchiennes, where the enemy had ſix battalions, five hundred foot detached from the garriſon of Doway, and three ſquadrons of horſe, who were all made priſoners of war! And being added to thoſe taken in the camp at Denain, and in ſome other poſts along the Scarpe, make the number of above ſeven thouſand men, and upwards of four hundred officers, priſoners; among whom are ſeveral of their general officers! My troops, who in theſe two actions ſhowed all poſſible valour, took thirty-ſeven colours, and three ſtandards.

Anne. 1712.

inveſted, which obliged prince Eugene to abandon the deſign of beſieging Landrecy, and march to the relief of Doway. The prince tried to raiſe the ſiege, but did not ſucceed. Indeed the States would not put things to ſo great a venture after ſuch loſſes: So Villars proſecuted the ſiege with vigour, and battered fort Scarpe with eighty pieces of cannon. But, notwithſtanding the garriſon of the fort conſiſted but of four hundred men, they defended it fourteen days, and ſurrendered priſoners of war on the 28th of July, having repulſed the French in ſeveral attacks. After the taking of that fort, the enemy redoubled their fire againſt the town, and, although the garriſon was but weak, general Humpeſch, the governor, contrary to the expectations of the allies or the French, held out till the 8th of September, N. S. when he ſurrendered the garriſon priſoners of war. The enemy, during this ſiege, were repulſed in ſeveral attacks, and loſt a great number of men (eſpecially when they took the counterſcarp and a half moon, which they were obliged to abandon) and, had the garriſon been numerous enough in proportion to the extent of the place, it is very probable, the French would not have retaken it. Prince Eugene had the mortification to be a ſpectator of the loſs of this place; but it was not his fault, if a vigorous attempt was not made to prevent it. Early during the ſiege, he uſed all poſſible endeavours to engage the enemy; but the French had ſo ſtrongly fortified their camp on the one hand, and the Dutch were ſo cautious of running any hazards in this critical juncture, that the prince, ſeeing no poſſibility of coming to action, returned to his camp at Seclin, from whence detachments were made to ſecure Liſle, Mons, Bethune, Aire, St. Venant, and other places. After the ſurrender of Doway, advice being brought to prince Eugene, that the French were advanced to Marchiennes, and poſted on the ſame ground, where the famous battle of that



dards. The enemy loſt with Marchiennes a great number of cannon, and ſtores of all ſorts of

retired towards Mons. And as ſuch an event is a viſible mark of the protection of God, who

name was sought three years before, a disposition was made to dislodge them, and prevent the siege of Quesnoy. But the enemy having with great diligence advanced within half a league of Quesnoy, and taken a very advantageous camp, prince Eugene thought fit to stop his march near the wood of Dour, and to encamp with the right near St. Guilain, the left at the mill of Saart near the wood of Lagniere, and the head quarters at Belian. Villars having, with the utmost care, secured all the passes, and fortified his camp, the necessary dispositions were made for carrying on the siege of Quesnoy, which was invested the 8th of September, N. S. The French expected to have made themselves masters of the town in eight or ten days; but major-general Ivoy, who commanded in the place, made so good use of the heavy artillery, which the allies left there, after the taking of Quesnoy, that it was the 14th of October, N. S. before he was obliged to submit to the same terms, on which Doway had been surrendered, that the garrison should remain prisoners of war: The French gave out, that they found in the place one hundred and sixteen heavy cannon, a great number of others of small sizes, forty mortars, five hundred thousand weights of powder; a great quantity of bullets, bombs, grenadoes, and provisions of all sorts; the whole being valued at three millions of livres; and that this garrison complicated the number of forty battalions of the allies, killed or made prisoners since the 24th of July, N. S. on which happened the unfortunate affair of Denain. The French, being resolved to lose no time in inlarging their conquests, opened their trenches before Bouchain; which place was so indifferently provided, and the garrison so weak, that they made but a slender resistance; for, the enemy having taken possession of the covered-way, and made the dispositions for storming the place, the garrison beat a parley, and surrendered at discretion.

Anne. 1712.

Quesnoy invested and taken.

Bouchain taken. Oct. 10.

While the French were before Bouchain, the allies surprized the fort of Knocque in the following manner: Brigadier Caris, commander of Ostend, having received certain intelligence, that the garrison of fort Knocque was very weak, resolved to try to surprize it. Accordingly, Caris detached one hundred and eighty men, under the direction of captain De Ruis, a famous partisan, who, having marched with the utmost privacy, found means to hide themselves in three little houses, and in the governor's garden, standing between four draw bridges, where they lay close all night. In the morning, at the opening of the gates, some of the detach-

Fort Knocque surprized by the allies. Brunswick. Oct. 4.

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Anne. 1712. ment advanced on a ſudden, and made themſelves maſters of the bridge neareſt the fort, having killed the guard. De Rue divided his men into four bodies, and with one of them ſeized a gate, while two other diviſions ran to the other two gates, and the fourth drew up near the Cazerns to hinder the garriſon from drawing together; which ſucceeded ſo well, that with the loſs of only two men killed, and one wounded, that important fort was taken. The French governor hearing the noiſe, leaped out of bed, and, looking out of the window, cried, Quarter! and was made priſoner of war with the garriſon, which conſiſted of three French companies, and one of Swiſs, but a great many of them were ſick. De Rue having ſecured that poſt, ſent out part of his men, to ſeize all the proviſions in the neighbouring villages, and to bring the ſame into the fort, before the garriſon of Ypres could be informed of the loſs of the place. He diſpatched alſo an expreſs with an account of this ſucceſs to brigadier Caris, who detached forty men to reinforce the garriſon. The precautions taken by De Rue were not uſeleſs; for the loſs of that poſt occaſioned the motion of a great body of troops on each ſide towards the Lys, as if the French deſigned to retake it; but they found that fortreſs ſo well and ſo ſeaſonably provided, that the French entirely abandoned the deſign of attacking it.

The campaign in the Netherlands ended with the taking of Bouchain by the French: for, a few days after, both armies marched into winter-quarters; and prince Eugene, having ſtaid ſome days at Bruſſels to ſettle ſome matters with the council of Brabant, proceeded to the Hague on the 28th of October.

The End of Vol. IV.

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